

110th Congress }
1st Session }

HOUSE OF REPRESENTATIVES
Rules Committee

{Report
{
{No. _____

Providing for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and for consideration of the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

August 3, 2007. --Referred to the House Calendar and ordered to be printed

Mr. Welch, from the Committee on Rules

submitted the following

REPORT

[To accompany H. Res. _____]

The Committee on Rules, having had under consideration House Resolution _____, by a record vote of 9 to 0, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3221 and H.R. 2776. The rule provides a structured rule for H.R. 3221, the "New Direction for Energy Independence, National Security, and Consumer Protection Act." The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides 2 hours of general debate, with 15 minutes equally divided and controlled by the chairman and ranking minority member of each of the Committees on Energy and Commerce, Natural Resources, Science and Technology, Transportation and Infrastructure, Education and Labor, Foreign Affairs, Small Business, and Oversight and Government Reform.

The resolution provides that the amendment printed in part A of this report shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for purpose of further amendment and shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended.

The resolution makes in order only those further amendments printed in part B of this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. Amendments so printed may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an

opponent, shall not be subject to amendment or demand for a division of the question in the House or in the Committee of the Whole. The resolution provides one motion to recommit H.R. 3221 with or without instructions.

The rule provides a closed rule for H.R. 2776, "Renewable Energy and Energy Conservation Tax Act of 2007." The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The resolution provides one motion to recommit H.R. 2776 with or without instructions.

The resolution further provides that, in the engrossment of H.R. 3221, the Clerk shall add the text of H.R. 2776, as passed by the House, as new matter at the end of H.R. 3221. Upon such engrossment, H.R. 2776 shall be laid on the table. Finally, notwithstanding the operation of the previous question, during consideration in the House of either H.R. 3221 or H.R. 2776, the Chair may postpone further consideration until a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against H.R. 3221 and its consideration (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against H.R. 3221 and its consideration are prophylactic in nature. Although the resolution waives all points of order against H.R. 2776 and its consideration (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against H.R. 2776 and its consideration are prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 288

Date: August 3, 2007

Measure: H.R. 3221/ H.R. 2776

Motion By: Mr. McGovern

Summary of Motion: To report the rule.

Results: Adopted 9-0

Vote by Member:

MCGOVERN	YEA
----------	-----

HASTINGS (FL)	YEA
---------------	-----

MATSUI	YEA
--------	-----

CARDOZA	YEA
---------	-----

WELCH	YEA
-------	-----

CASTOR	YEA
--------	-----

ARCURI	YEA
--------	-----

SUTTON	YEA
--------	-----

DREIER	
--------	--

DIAZ-BALART	
-------------	--

HASTINGS (WA)	
---------------	--

SESSIONS	
----------	--

SLAUGHTER	YEA
-----------	-----

SUMMARY OF AMENDMENT IN PART A TO BE CONSIDERED AS ADOPTED

The amendment makes technical changes and adds language to titles II, IV, VII, VIII, and IX. The amendment adds the Feedstock Flexibility Program to the underlying bill and reduces funding for the biomass program contained in Title V sufficient to reduce outlays and comply with PAYGO requirements.

SUMMARY OF AMENDMENTS IN PART B TO BE MADE IN ORDER
(summaries derived from information provided by sponsors)

- | | | |
|--|--|--------------|
| 1. Blumenauer (OR): | The amendment to title IX would encourage natural gas utilities to plan for and prioritize energy efficiency. It requires state regulators to consider crafting rate policies that align utility revenue recovery measures with incentives for energy conservation. | (10 minutes) |
|
 | | |
| 2. Shays (CT): | The amendment doubles the current level of funding for 2007 and 2008 for the weatherization assistance program in section 9034(a). | (10 minutes) |
|
 | | |
| 3. Hooley (OR)/McCaul (TX)/Matheson (UT): | The amendment to title IX authorizes the Administrator of the EPA to enter into an arrangement with the Secretary of Education & the Secretary of Energy to conduct a study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K-12 schools. There are authorized to be appropriated for carrying out this section \$200,000 for each of the fiscal years 2008 through 2012. | (10 minutes) |
|
 | | |
| 4. Pitts (PA): | The amendment would except boilers that operate without the need for electricity supply from the energy efficiency requirements in section 9003(4) of the bill, regarding appliance efficiency. | (10 minutes) |
|
 | | |
| 5. Terry (NE): | The attached amendment to title IX would add a section to accelerate the adoption of geothermal heat pumps by the Federal government. | (10 minutes) |
|
 | | |
| 6. Udall, Tom (NM)/Pallone (NJ)/Van Hollen (MD)/Waxman (CA)/Udall, Mark (CO)/Rodriguez (TX)/DeGette (CO)/Platts (PA): | Requires electric suppliers, other than governmental entities and rural electric cooperatives, to provide 15 percent of their electricity using renewable energy resources by the year 2020. Allows 4 percent of the requirement to be satisfied with electricity efficiency measures. | (10 minutes) |

7. Van Hollen (MD):	The amendment to title IX would add a sixth policy option to H.R. 3221's existing "State Must Consider" language asking state regulatory authorities and nonregulated utilities to consider "offering home energy audits, publicizing the financial and environmental benefits associated with home energy efficiency improvements and educating homeowners about all existing federal and state incentives, including the availability of low-cost loans, that make home energy efficiency improvements more affordable."	(10 minutes)
8. Schwartz (PA):	The amendment to title IX requires all federal government agencies to change their acquisitions rules for planning meetings and conferences to consider the environmentally preferable features and practices of a vendor, similar to the acquisition rules of the Environmental Protection Agency.	(10 minutes)
9. Arcuri (NY)/Hinchey (NY)/Hall, John (NY):	The amendment to title IX would repeal the availability of Federal eminent domain authority for use by companies permitted by FERC to construct or modify transmission lines within National Interest Electric Transmission Corridors. In place of this, the amendment would amend section 216(e) of the Federal Power Act to require permitted companies to proceed in accordance with state law for the state in which the property is located.	(10 minutes)
10. Hodes (NH)/Welch (VT):	The amendment to title IX would order the Secretary of Energy to conduct a study of the renewable energy system rebate program for homes and small businesses, described in section 206-c of the Energy Policy Act of 2005. The study would require a plan for the program if it were funded, and determine the minimum amount the program would need to be viable.	(10 minutes)
11. Murphy, Tim (PA):	This amendment modifies Sec. 9502(a) of H.R. 3221 to ensure that the Energy Information Administration restores its previously-terminated collection of data on solid by-products from coal-based energy producing facilities and makes improvements on these data.	(10 minutes)
12. Murphy, Christopher (CT):	This amendment to title IX will require the Federal Energy Regulatory Commission to hold one public meeting before issuing a permit, license, or authorization that will affect land use when a public meeting is requested by at least five individuals or an organization representing 30 or more people. If a request for	(10 minutes)

reconsideration is granted and the request was filed before enactment of this section and a hearing had not been held before the permit or authorization concerned was issued, the Commission must hold a hearing.

- | | | |
|---|--|--------------|
| 13. Sali (ID): | The amendment to title IX provides a sense of the Congress recognizing and supporting large and small scale conventional hydropower. | (10 minutes) |
| 14. Welch (VT): | The amendment to title IX would establish a grant program for Colleges and Universities to invest in sustainable and efficient energy projects, up to \$1 million for efficiency and \$500,000 for sustainability. | (10 minutes) |
| 15. Castle (DE)/Delahunt (MA): | The amendment to title VII requires the Minerals Management Service to submit a report to Congress on the status of regulations required to be issued with respect to offshore wind energy production. | (10 minutes) |
| 16. Wu (OR): | Amends title IV to require the Secretary of Energy to establish a grant program for universities to research and develop renewable energy technologies. Priority is given to universities in low income and rural communities with proximity to trees dying of disease or insect infestation. Authorizes \$25 million for the total program. | (10 minutes) |
| 17. Giffords (AZ): | This amendment to title IV would create a Solar Energy Industries Research and Promotion Board to increase consumer awareness nationwide of solar energy options and appropriate certifications. The solar program would be funded entirely by a small portion of industry revenues. No appropriations are authorized. | (10 minutes) |
| 18. Tauscher (CA)/Rogers, Mike (MI): | The amendment to title VIII would create a pilot program in urbanized and other than urbanized areas to increase the use of vanpooling and the number of vanpools in service. | (10 minutes) |
| 19. Holt (NJ): | The amendment to title VIII would require the Center for Climate Change Environment and the Environmental Protection Agency to examine the potential fuel savings from intelligent | (10 minutes) |

transportation systems that would help businesses and consumers to plan their travel and avoid delays, including web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems.

- | | | |
|--------------------------------------|--|--------------|
| 20. Hastings (FL): | The amendment to title II makes findings regarding fuel supplies and expresses the Sense of Congress that the U.S. should further global energy security and promote democratic development in resource rich foreign countries by encouraging further participation in the Extractive Industries Transparency Initiative (EITI) and other international initiatives. | (10 minutes) |
| 21. Solis (CA)/Carnahan (MO): | This amendment to title II requires an assessment of current and anticipated needs of developing countries in adapting to climate change, which includes a strategy to address these needs and an identification of funding sources for such purposes. | (10 minutes) |
| 22. Cleaver (MO): | The amendment to the Energy Policy Act of 1992 would prohibit any Federal agency, including any office of the legislative branch, from acquiring a light duty motor vehicle or medium duty motor vehicle that is not a low greenhouse gas emitting vehicle. | (10 minutes) |
| 23. Sarbanes (MD)/Wolf (VA): | The amendment to title VI requires federal agencies to develop and implement a telework (work from home or close to home) policy for eligible employees excluding those who handle secure materials or special equipment; are assigned to national security functions; or voluntarily decline the telework option. | (10 minutes) |

Part A

Text of Amendment to be Considered as Adopted

AMENDMENT TO H.R. 3221**OFFERED BY** Mr. Hoyer

In section 2203(a)(1), strike “India and China” and insert “such countries”.

In section 2203(a)(2), strike “India and China” and insert “such countries”.

In title IV, add at the end the following new subtitle:

1 **Subtitle H—H-PRIZE**

2 **SEC. 4701. H-PRIZE.**

3 Section 1008 of the Energy Policy Act of 2005 (42
4 U.S.C. 16396) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(f) H-PRIZE.—

7 “(1) PRIZE AUTHORITY.—

8 “(A) IN GENERAL.—As part of the pro-
9 gram under this section, the Secretary shall
10 carry out a program to competitively award
11 cash prizes in conformity with this subsection
12 to advance the research, development, dem-
13 onstration, and commercial application of hy-
14 drogen energy technologies.

1 “(B) ADVERTISING AND SOLICITATION OF
2 COMPETITORS.—

3 “(i) ADVERTISING.—The Secretary
4 shall widely advertise prize competitions
5 under this subsection to encourage broad
6 participation, including by individuals, uni-
7 versities (including historically Black col-
8 leges and universities and other minority
9 serving institutions), and large and small
10 businesses (including businesses owned or
11 controlled by socially and economically dis-
12 advantaged persons).

13 “(ii) ANNOUNCEMENT THROUGH FED-
14 ERAL REGISTER NOTICE.—The Secretary
15 shall announce each prize competition
16 under this subsection by publishing a no-
17 tice in the Federal Register. This notice
18 shall include essential elements of the com-
19 petition such as the subject of the competi-
20 tion, the duration of the competition, the
21 eligibility requirements for participation in
22 the competition, the process for partici-
23 pants to register for the competition, the
24 amount of the prize, and the criteria for
25 awarding the prize.

1 “(C) ADMINISTERING THE COMPETI-
2 TIONS.—The Secretary shall enter into an
3 agreement with a private, nonprofit entity to
4 administer the prize competitions under this
5 subsection, subject to the provisions of this sub-
6 section (in this subsection referred to as the
7 ‘administering entity’). The duties of the ad-
8 ministering entity under the agreement shall in-
9 clude—

10 “(i) advertising prize competitions
11 under this subsection and their results;

12 “(ii) raising funds from private enti-
13 ties and individuals to pay for administra-
14 tive costs and to contribute to cash prizes,
15 including funds provided in exchange for
16 the right to name a prize awarded under
17 this subsection;

18 “(iii) developing, in consultation with
19 and subject to the final approval of the
20 Secretary, the criteria for selecting winners
21 in prize competitions under this subsection,
22 based on goals provided by the Secretary;

23 “(iv) determining, in consultation with
24 the Secretary, the appropriate amount and
25 funding sources for each prize to be award-

1 ed under this subsection, subject to the
2 final approval of the Secretary with respect
3 to Federal funding;

4 “(v) providing advice and consultation
5 to the Secretary on the selection of judges
6 in accordance with paragraph (2)(D),
7 using criteria developed in consultation
8 with and subject to the final approval of
9 the Secretary; and

10 “(vi) protecting against the admin-
11 istering entity’s unauthorized use or disclo-
12 sure of a registered participant’s trade se-
13 crets and confidential business informa-
14 tion. Any information properly identified
15 as trade secrets or confidential business in-
16 formation that is submitted by a partici-
17 pant as part of a competitive program
18 under this subsection may be withheld
19 from public disclosure.

20 “(D) FUNDING SOURCES.—Prizes under
21 this subsection shall consist of Federal appro-
22 priated funds and any funds provided by the
23 administering entity (including funds raised
24 pursuant to subparagraph (C)(ii)) for such cash
25 prize programs. The Secretary may accept

1 funds from other Federal agencies for such
2 cash prizes and, notwithstanding section
3 3302(b) of title 31, United States Code, may
4 use such funds for the cash prize program
5 under this subsection. Other than publication of
6 the names of prize sponsors, the Secretary may
7 not give any special consideration to any private
8 sector entity or individual in return for a dona-
9 tion to the Secretary or administering entity.

10 “(E) ANNOUNCEMENT OF PRIZES.—The
11 Secretary may not issue a notice required by
12 subparagraph (B)(ii) until all the funds needed
13 to pay out the announced amount of the prize
14 have been appropriated or committed in writing
15 by the administering entity. The Secretary may
16 increase the amount of a prize after an initial
17 announcement is made under subparagraph
18 (B)(ii) if—

19 “(i) notice of the increase is provided
20 in the same manner as the initial notice of
21 the prize; and

22 “(ii) the funds needed to pay out the
23 announced amount of the increase have
24 been appropriated or committed in writing
25 by the administering entity.

1 “(F) SUNSET.—The authority to announce
2 prize competitions under this subsection shall
3 terminate on September 30, 2018.

4 “(2) PRIZE CATEGORIES.—

5 “(A) CATEGORIES.—The Secretary shall
6 establish prizes under this subsection for—

7 “(i) advancements in technologies,
8 components, or systems related to—

9 “(I) hydrogen production;

10 “(II) hydrogen storage;

11 “(III) hydrogen distribution; and

12 “(IV) hydrogen utilization;

13 “(ii) prototypes of hydrogen-powered
14 vehicles or other hydrogen-based products
15 that best meet or exceed objective perform-
16 ance criteria, such as completion of a race
17 over a certain distance or terrain or gen-
18 eration of energy at certain levels of effi-
19 ciency; and

20 “(iii) transformational changes in
21 technologies for the distribution or produc-
22 tion of hydrogen that meet or exceed far-
23 reaching objective criteria, which shall in-
24 clude minimal carbon emissions and which
25 may include cost criteria designed to facili-

1 tate the eventual market success of a win-
2 ning technology.

3 “(B) AWARDS.—

4 “(i) ADVANCEMENTS.—To the extent
5 permitted under paragraph (1)(E), the
6 prizes authorized under subparagraph
7 (A)(i) shall be awarded biennially to the
8 most significant advance made in each of
9 the four subcategories described in sub-
10 clauses (I) through (IV) of subparagraph
11 (A)(i) since the submission deadline of the
12 previous prize competition in the same cat-
13 egory under subparagraph (A)(i) or the
14 date of enactment of this subsection,
15 whichever is later, unless no such advance
16 is significant enough to merit an award.
17 No one such prize may exceed \$1,000,000.
18 If less than \$4,000,000 is available for a
19 prize competition under subparagraph
20 (A)(i), the Secretary may omit one or more
21 subcategories, reduce the amount of the
22 prizes, or not hold a prize competition.

23 “(ii) PROTOTYPES.—To the extent
24 permitted under paragraph (1)(E), prizes
25 authorized under subparagraph (A)(ii)

1 shall be awarded biennially in alternate
2 years from the prizes authorized under
3 subparagraph (A)(i). The Secretary is au-
4 thorized to award up to one prize in this
5 category in each 2-year period. No such
6 prize may exceed \$4,000,000. If no reg-
7 istered participants meet the objective per-
8 formance criteria established pursuant to
9 subparagraph (C) for a competition under
10 this clause, the Secretary shall not award
11 a prize.

12 “(iii) TRANSFORMATIONAL TECH-
13 NOLOGIES.—To the extent permitted under
14 paragraph (1)(E), the Secretary shall an-
15 nounce one prize competition authorized
16 under subparagraph (A)(iii) as soon after
17 the date of enactment of this subsection as
18 is practicable. A prize offered under this
19 clause shall be not less than \$10,000,000,
20 paid to the winner in a lump sum, and an
21 additional amount paid to the winner as a
22 match for each dollar of private funding
23 raised by the winner for the hydrogen tech-
24 nology beginning on the date the winner
25 was named. The match shall be provided

1 for 3 years after the date the prize winner
2 is named or until the full amount of the
3 prize has been paid out, whichever occurs
4 first. A prize winner may elect to have the
5 match amount paid to another entity that
6 is continuing the development of the win-
7 ning technology. The Secretary shall an-
8 nounce the rules for receiving the match in
9 the notice required by paragraph
10 (1)(B)(ii). The Secretary shall award a
11 prize under this clause only when a reg-
12 istered participant has met the objective
13 criteria established for the prize pursuant
14 to subparagraph (C) and announced pursu-
15 ant to paragraph (1)(B)(ii). Not more than
16 \$10,000,000 in Federal funds may be used
17 for the prize award under this clause. The
18 administering entity shall seek to raise
19 \$40,000,000 toward the matching award
20 under this clause.

21 “(C) CRITERIA.—In establishing the cri-
22 teria required by this subsection, the Sec-
23 retary—

1 “(i) shall consult with the Depart-
2 ment’s Hydrogen Technical and Fuel Cell
3 Advisory Committee;

4 “(ii) shall consult with other Federal
5 agencies, including the National Science
6 Foundation; and

7 “(iii) may consult with other experts
8 such as private organizations, including
9 professional societies, industry associa-
10 tions, and the National Academy of
11 Sciences and the National Academy of En-
12 gineering.

13 “(D) JUDGES.—For each prize competition
14 under this subsection, the Secretary in con-
15 sultation with the administering entity shall as-
16 semble a panel of qualified judges to select the
17 winner or winners on the basis of the criteria
18 established under subparagraph (C). Judges for
19 each prize competition shall include individuals
20 from outside the Department, including from
21 the private sector. A judge, spouse, minor chil-
22 dren, and members of the judge’s household
23 may not—

24 “(i) have personal or financial inter-
25 ests in, or be an employee, officer, director,

1 or agent of, any entity that is a registered
2 participant in the prize competition for
3 which he or she will serve as a judge; or
4 “(ii) have a familial or financial rela-
5 tionship with an individual who is a reg-
6 istered participant in the prize competition
7 for which he or she will serve as a judge.

8 “(3) ELIGIBILITY.—To be eligible to win a
9 prize under this subsection, an individual or entity—

10 “(A) shall have complied with all the re-
11 quirements in accordance with the Federal Reg-
12 ister notice required under paragraph
13 (1)(B)(ii);

14 “(B) in the case of a private entity, shall
15 be incorporated in and maintain a primary
16 place of business in the United States, and in
17 the case of an individual, whether participating
18 singly or in a group, shall be a citizen of, or an
19 alien lawfully admitted for permanent residence
20 in, the United States; and

21 “(C) shall not be a Federal entity, a Fed-
22 eral employee acting within the scope of his em-
23 ployment, or an employee of a national labora-
24 tory acting within the scope of his employment.

1 “(4) INTELLECTUAL PROPERTY.—The Federal
2 Government shall not, by virtue of offering or
3 awarding a prize under this subsection, be entitled
4 to any intellectual property rights derived as a con-
5 sequence of, or direct relation to, the participation
6 by a registered participant in a competition author-
7 ized by this subsection. This paragraph shall not be
8 construed to prevent the Federal Government from
9 negotiating a license for the use of intellectual prop-
10 erty developed for a prize competition under this
11 subsection.

12 “(5) LIABILITY.—

13 “(A) WAIVER OF LIABILITY.—The Sec-
14 retary may require registered participants to
15 waive claims against the Federal Government
16 and the administering entity (except claims for
17 willful misconduct) for any injury, death, dam-
18 age, or loss of property, revenue, or profits aris-
19 ing from the registered participants’ participa-
20 tion in a competition under this subsection. The
21 Secretary shall give notice of any waiver re-
22 quired under this subparagraph in the notice
23 required by paragraph (1)(B)(ii). The Secretary
24 may not require a registered participant to
25 waive claims against the administering entity

1 arising out of the unauthorized use or disclo-
2 sure by the administering entity of the reg-
3 istered participant's trade secrets or confiden-
4 tial business information.

5 “(B) LIABILITY INSURANCE.—

6 “(i) REQUIREMENTS.—Registered
7 participants in a prize competition under
8 this subsection shall be required to obtain
9 liability insurance or demonstrate financial
10 responsibility, in amounts determined by
11 the Secretary, for claims by—

12 “(I) a third party for death, bod-
13 ily injury, or property damage or loss
14 resulting from an activity carried out
15 in connection with participation in a
16 competition under this subsection; and

17 “(II) the Federal Government for
18 damage or loss to Government prop-
19 erty resulting from such an activity.

20 “(ii) FEDERAL GOVERNMENT IN-
21 SURED.—The Federal Government shall be
22 named as an additional insured under a
23 registered participant's insurance policy re-
24 quired under clause (i)(I), and registered
25 participants shall be required to agree to

1 indemnify the Federal Government against
2 third party claims for damages arising
3 from or related to competition activities
4 under this subsection.

5 “(6) REPORT TO CONGRESS.—Not later than
6 60 days after the awarding of the first prize under
7 this subsection, and annually thereafter, the Sec-
8 retary shall transmit to the Congress a report
9 that—

10 “(A) identifies each award recipient;

11 “(B) describes the technologies developed
12 by each award recipient; and

13 “(C) specifies actions being taken toward
14 commercial application of all technologies with
15 respect to which a prize has been awarded
16 under this subsection.

17 “(7) AUTHORIZATION OF APPROPRIATIONS.—

18 “(A) IN GENERAL.—

19 “(i) AWARDS.—There are authorized
20 to be appropriated to the Secretary for the
21 period encompassing fiscal years 2008
22 through 2017 for carrying out this sub-
23 section—

24 “(I) \$20,000,000 for awards de-
25 scribed in paragraph (2)(A)(i);

1 “(II) \$20,000,000 for awards de-
2 scribed in paragraph (2)(A)(ii); and

3 “(III) \$10,000,000 for the award
4 described in paragraph (2)(A)(iii).

5 “(ii) ADMINISTRATION.—In addition
6 to the amounts authorized in clause (i),
7 there are authorized to be appropriated to
8 the Secretary for each of fiscal years 2008
9 and 2009 \$2,000,000 for the administra-
10 tive costs of carrying out this subsection.

11 “(B) CARRYOVER OF FUNDS.—Funds ap-
12 propriated for prize awards under this sub-
13 section shall remain available until expended,
14 and may be transferred, reprogrammed, or ex-
15 pended for other purposes only after the expira-
16 tion of 10 fiscal years after the fiscal year for
17 which the funds were originally appropriated.
18 No provision in this subsection permits obliga-
19 tion or payment of funds in violation of section
20 1341 of title 31 of the United States Code
21 (commonly referred to as the Anti-Deficiency
22 Act).

23 “(8) NONSUBSTITUTION.—The programs cre-
24 ated under this subsection shall not be considered a

1 substitute for Federal research and development
2 programs.”.

 In section 5003, strike paragraph (7) and insert the
following new paragraph:

3 (7) by adding at the end the following new sub-
4 sections:

5 “(k) ADDITIONAL FUNDING FOR LOAN GUARAN-
6 TEES.—Of the funds of the Commodity Credit Corpora-
7 tion, the Secretary shall use to carry out this section—

8 “(1) \$50,000,000 for fiscal year 2008;

9 “(2) \$65,000,000 for fiscal year 2009;

10 “(3) \$75,000,000 for fiscal year 2010;

11 “(4) \$150,000,000 for fiscal year 2011; and

12 “(5) \$250,000,000 for fiscal year 2012.

13 “(l) CONTINUATION OF OPERATIONS.—

14 “(1) FUNDING.—The Secretary shall continue
15 to carry out this section at the rate of operation in
16 effect on September 30, 2012, from sums in the
17 Treasury not otherwise appropriated, through Sep-
18 tember 30, 2017.

19 “(2) AUTHORITY.—The program and authori-
20 ties provided under this section shall continue in
21 force and effect through September 30, 2017.”.

In section 5006, strike paragraph (7) and insert the following:

1 (7) by adding at the end the following new sub-
2 section:

3 “(h) FUNDING.—

4 “(1) IN GENERAL.—Of the funds of the Com-
5 modity Credit Corporation, the Secretary of Agri-
6 culture shall make available to carry out this sec-
7 tion—

8 “(A) \$40,000,000 for fiscal year 2008;

9 “(B) \$60,000,000 for fiscal year 2009;

10 “(C) \$75,000,000 for fiscal year 2010;

11 “(D) \$100,000,000 for fiscal year 2011;

12 and

13 “(E) \$150,000,000 for fiscal year 2012.

14 “(3) CONTINUATION OF OPERATIONS.—

15 “(A) FUNDING.—The Secretary shall con-
16 tinue to carry out this section at the rate of op-
17 eration in effect on September 30, 2012, from
18 sums in the Treasury not otherwise appro-
19 priated, through September 30, 2017.

20 “(B) AUTHORITY.—The program and au-
21 thorities provided under this section shall con-
22 tinue in force and effect through September 30,
23 2017.”.

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as amended by section 5007 of the bill, is amended to read as follows:

1 “(j) FUNDING.—

2 “(1) IN GENERAL.—Of the funds of the Com-
3 modity Credit Corporation, the Secretary of Agri-
4 culture shall make available to carry out this sec-
5 tion—

6 “(A) \$18,000,000 for fiscal year 2008;

7 “(B) \$28,000,000 for fiscal year 2009;

8 “(C) \$40,000,000 for fiscal year 2010;

9 “(D) \$50,000,000 for fiscal year 2011;

10 and

11 “(E) \$100,000,000 for fiscal year 2012.

12 “(2) CONTINUATION OF OPERATIONS.—

13 “(A) FUNDING.—The Secretary shall con-
14 tinue to carry out this section at the rate of op-
15 eration in effect on September 30, 2012, from
16 sums in the Treasury not otherwise appro-
17 priated, through September 30, 2017.

18 “(B) AUTHORITY.—The program and au-
19 thorities provided under this section shall con-
20 tinue in force and effect through September 30,
21 2017.”.

In section 5008, strike paragraph (3) and insert the following new paragraph:

1 (3) by striking subsection (c) and inserting the
2 following:

3 “(c) FUNDING.—

4 “(1) IN GENERAL.—Of the funds of the Com-
5 modity Credit Corporation, the Secretary of Agri-
6 culture shall use to carry out this section—

7 “(A) \$150,000,000 for fiscal year 2008;

8 “(B) \$150,000,000 for fiscal year 2009;

9 “(C) \$170,000,000 for fiscal year 2010;

10 “(D) \$180,000,000 for fiscal year 2011;

11 and

12 “(E) \$286,000,000 for fiscal year 2012.

13 “(2) CONTINUATION OF OPERATIONS.—

14 “(A) FUNDING.—The Secretary shall con-
15 tinue to carry out this section at the rate of op-
16 eration in effect on September 30, 2012, from
17 sums in the Treasury not otherwise appro-
18 priated, through September 30, 2017.

19 “(B) AUTHORITY.—The program and au-
20 thorities provided under this section shall con-
21 tinue in force and effect through September 30,
22 2017.”.

At the end of title V add the following new section:

1 **SEC. 5012. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-**
2 **ENERGY PRODUCERS.**

3 Title IX of the Farm Security and Rural Investment
4 Act of 2002 (7 U.S.C. 8101 et seq.) is further amended
5 by adding at the end the following new section:

6 **“SEC. 9014. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-**
7 **ENERGY PRODUCERS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) BIOENERGY.—The term ‘bioenergy’ means
10 fuel grade ethanol and other biofuel.

11 “(2) BIOENERGY PRODUCER.—The term ‘bio-
12 energy producer’ means a producer of bioenergy that
13 uses an eligible commodity to produce bioenergy
14 under this section.

15 “(3) ELIGIBLE COMMODITY.—The term ‘eligible
16 commodity’ means a form of raw or refined sugar or
17 in-process sugar that is eligible to be marketed in
18 the United States for human consumption or to be
19 used for the extraction of sugar for human consump-
20 tion.

21 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means an entity located in the United States
23 that markets an eligible commodity in the United
24 States.

25 “(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

26 “(1) IN GENERAL.—

1 “(A) PURCHASES AND SALES.—For each
2 of fiscal years 2008 through 2012, the Sec-
3 retary shall purchase eligible commodities from
4 eligible entities and sell such commodities to
5 bioenergy producers for the purpose of pro-
6 ducing bioenergy in a manner that ensures that
7 156 of the Federal Agricultural Improvement
8 and Reform Act (7 U.S.C. 7272) is operated at
9 no cost to the Federal Government by avoiding
10 forfeitures to the Commodity Credit Corpora-
11 tion.

12 “(B) COMPETITIVE PROCEDURES.—In car-
13 rying out the purchases and sales required
14 under subparagraph (A), the Secretary shall, to
15 the maximum extent practicable, use competi-
16 tive procedures, including the receiving, offer-
17 ing, and accepting of bids, when entering into
18 contracts with eligible entities and bioenergy
19 producers, provided that such procedures are
20 consistent with the purposes of subparagraph
21 (A).

22 “(C) LIMITATION.—The purchase and sale
23 of eligible commodities under subparagraph (A)
24 shall only be made in fiscal years in which such
25 purchases and sales are necessary to ensure

1 that the program authorized under section 156
2 of the Federal Agriculture Improvement and
3 Reform Act (7 U.S.C. 7272) is operated at no
4 cost to the Federal Government by avoiding for-
5 feitures to the Commodity Credit Corporation.

6 “(2) NOTICE.—

7 “(A) IN GENERAL.—Not later than Sep-
8 tember 1, 2007, and each September 1 there-
9 after through fiscal year 2011, the Secretary
10 shall provide notice to eligible entities and bio-
11 energy producers of the quantity of eligible
12 commodities that shall be made available for
13 purchase and sale for the subsequent fiscal year
14 under this section.

15 “(B) REESTIMATES.—Not later than the
16 first day of each of the second through fourth
17 quarters of each of fiscal years 2008 through
18 2012, the Secretary shall reestimate the quan-
19 tity of eligible commodities determined under
20 subparagraph (A), and provide notice and make
21 purchases and sales based on such reestimates.

22 “(3) COMMODITY CREDIT CORPORATION INVEN-
23 TORY.—To the extent that an eligible commodity is
24 owned and held in inventory by the Commodity
25 Credit Corporation (accumulated pursuant to the

1 program authorized under section 156 of the Fed-
2 eral Agriculture Improvement and Reform Act (7
3 U.S.C. 7272)), the Secretary shall sell such com-
4 modity to bioenergy producers under this section.

5 “(4) TRANSFER RULE; STORAGE FEES.—

6 “(A) GENERAL TRANSFER RULE.—Except
7 as provided in subparagraph (C), the Secretary
8 shall ensure that bioenergy producers that pur-
9 chase eligible commodities pursuant to this sub-
10 section take possession of such commodities
11 within 30 calendar days of the date of such
12 purchase from the Commodity Credit Corpora-
13 tion.

14 “(B) PAYMENT OF STORAGE FEES PRO-
15 HIBITED.—

16 “(i) IN GENERAL.—The Secretary
17 shall, to the greatest extent practicable,
18 carry out this subsection in a manner that
19 ensures no storage fees are paid by the
20 Commodity Credit Corporation in the ad-
21 ministration of this subsection.

22 “(ii) EXCEPTION.—Clause (i) shall
23 not apply with respect to any commodities
24 owned and held in inventory by the Com-
25 modity Credit Corporation (accumulated

1 pursuant to the program authorized under
2 section 156 of the Federal Agriculture Im-
3 provement and Reform Act (7 U.S.C.
4 7272)).

5 “(C) OPTION TO PREVENT STORAGE
6 FEES.—

7 “(i) IN GENERAL.—The Secretary
8 may enter into contracts with bioenergy
9 producers to sell eligible commodities to
10 such producers prior in time to entering
11 into contracts with eligible entities to pur-
12 chase such commodities to be used to sat-
13 isfy the contracts entered into with the bio-
14 energy producers.

15 “(ii) SPECIAL TRANSFER RULE.—If
16 the Secretary makes a sale and purchase
17 referred to in clause (i), the Secretary shall
18 ensure that the bioenergy producer that
19 purchased eligible commodities takes pos-
20 session of such commodities within 30 cal-
21 endar days of the date the Commodity
22 Credit Corporation purchases such com-
23 modities.

24 “(5) RELATION TO OTHER LAWS.—If sugar
25 that is subject to a marketing allotment under part

1 VII of subtitle B of title III of the Agricultural Ad-
2 justment Act of 1938 (7 U.S.C. 1359aa et seq.) is
3 the subject of a payment under this section, such
4 sugar shall be considered marketed and shall count
5 against a processor's allocation of an allotment
6 under such part, as applicable.

7 “(6) FUNDING.—The Secretary shall use the
8 funds, facilities, and authorities of the Commodity
9 Credit Corporation, including the use of such sums
10 as are necessary, to carry out this section.”.

In section 7306, in the amendment adding section 210 to the Energy Policy Act of 2005, in subsection (d) of such section 210, before the last sentence insert “The Secretary concerned may direct a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), and reauthorized by the amendments made by Public Law 110–28, to carry out the requirements of this subsection.” .

In section 8201(b)(1) insert “or in the case of subsection (f) of such section 5311, intercity bus service,” after “charges for public transportation,”.

In section 8201(b)(1) insert “, or in the case of subsection (f) of such section 5311, intercity bus service,” after “provide the public transportation”.

In section 8201(b)(2) insert “or in the case of subsection (f) of such section 5311, intercity bus service,” after “expand public transportation service,”.

In section 8201(b)(2) insert “, or in the case of subsection (f) of such section 5311, intercity bus service,” after “provide the public transportation service”.

Add at the end of part 3 of subtitle F of title VIII the following new section:

1 SEC. 8655. PROMOTING MAXIMUM EFFICIENCY IN OPER-
2 ACTION OF CAPITOL POWER PLANT.

3 (a) STEAM BOILERS.—

4 (1) IN GENERAL.—The Architect of the Capitol
5 shall take such steps as may be necessary to operate
6 the steam boilers at the Capitol Power Plant in the
7 most energy efficient manner possible to minimize
8 carbon emissions and operating costs, including ad-
9 justing steam pressures and adjusting the operation
10 of the boilers to take into account variations in de-
11 mand, including seasonality, for the use of the sys-
12 tem.

1 (2) EFFECTIVE DATE.—The Architect shall im-
2 plement the steps required under paragraph (1) not
3 later than 30 days after the date of the enactment
4 of this Act.

5 (b) CHILLER PLANT.—

6 (1) IN GENERAL.—The Architect of the Capitol
7 shall take such steps as may be necessary to operate
8 the chiller plant at the Capitol Power Plant in the
9 most energy efficient manner possible to minimize
10 carbon emissions and operating costs, including ad-
11 justing water temperatures and adjusting the oper-
12 ation of the chillers to take into account variations
13 in demand, including seasonality, for the use of the
14 system.

15 (2) EFFECTIVE DATE.—The Architect shall im-
16 plement the steps required under paragraph (1) not
17 later than 30 days after the date of the enactment
18 of this Act.

19 (c) METERS.—Not later than 90 days after the date
20 of the enactment of this Act, the Architect of the Capitol
21 shall evaluate the accuracy of the meters in use at the
22 Capitol Power Plant and correct them as necessary.

23 (d) REPORT ON IMPLEMENTATION.—Not later than
24 180 days after the date of the enactment of this Act, the
25 Architect of the Capitol, in conjunction with the Chief Ad-

1 ministrative Officer of the House of Representatives, shall
2 complete the implementation of the requirements of this
3 section and submit a report describing the actions taken
4 and the energy efficiencies achieved to the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives, the Committee on Commerce, Science, and
7 Transportation of the Senate, the Committee on House
8 Administration of the House of Representatives, and the
9 Committee on Rules and Administration of the Senate.

Page 478, after line 8, insert the following :

10 **SEC. 8656. PROMOTING MAXIMUM EFFICIENCY IN OPER-**
11 **ATION OF CAPITOL POWER PLANT.**

12 (a) STEAM BOILERS AND CHILLER PLANT.—

13 (1) IN GENERAL.—The Architect of the Capitol
14 shall take such steps as may be necessary to operate
15 the steam boilers and the chiller plant at the Capitol
16 Power Plant in the most energy efficient manner
17 possible to minimize carbon emissions and operating
18 costs, including adjusting steam pressures, adjusting
19 the operation of the boilers, adjusting water tem-
20 peratures, and adjusting the operation of the chillers
21 to take into account variations in demand, including
22 seasonality, for the use of the systems.

23 (2) EFFECTIVE DATE.—The Architect shall im-
24 plement the steps required under paragraph (1) not

1 later than 30 days after the date of the enactment
2 of this Act.

3 (b) METERS.—Not later than 90 days after the date
4 of the enactment of this Act, the Architect of the Capitol
5 shall evaluate the accuracy of the meters in use at the
6 Capitol Power Plant and correct them as necessary.

7 (c) REPORT ON IMPLEMENTATION.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Architect of the Capitol, in conjunction with the Chief Ad-
10 ministrative Officer of the House of Representatives, shall
11 complete the implementation of the requirements of this
12 section and submit a report describing the actions taken
13 and the energy efficiencies achieved to the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives, the Committee on Commerce, Science, and
16 Transportation of the Senate, the Committee on House
17 Administration of the House of Representatives, and the
18 Committee on Rules and Administration of the Senate.

In section 9001(a)(2), in the proposed paragraph
(9), strike “Clotheswashers” and insert “A top-loading or
front-loading standard-size residential clotheswasher”.

Strike section 9015 and insert the following:

1 **SEC. 9015. STANDBY MODE.**

2 Section 325 of the Energy Policy and Conservation
3 Act (42 U.S.C. 6295) is amended—

4 (1) in subsection (u)—

5 (A) by striking paragraphs (2), (3), and
6 (4); and

7 (B) by redesignating paragraph (5), and
8 paragraphs (6) and (7) (as added by this Act)
9 as paragraphs (2), (3), and (4), respectively;
10 and

11 (2) by adding at the end the following new sub-
12 section:

13 “(ii) STANDBY MODE ENERGY USE.—

14 “(1) DEFINITIONS.—

15 “(A) IN GENERAL.—Unless the Secretary
16 determines otherwise pursuant to subparagraph
17 (B), the definitions in this subsection, for the
18 purpose of this subsection, shall apply:

19 “(i) The term ‘active mode’ means the
20 condition in which an energy using product
21 is connected to a mains power source, has
22 been activated, and provides one or more
23 main functions.

24 “(ii) The term ‘off mode’ means the
25 condition in which an energy using product
26 is connected to a mains power source and

1 is not providing any standby or active
2 mode function.

3 “(iii) The term ‘standby mode’ means
4 the condition in which an energy using
5 product is connected to a mains power
6 source and offers one or more of the fol-
7 lowing user oriented or protective func-
8 tions:

9 “(I) To facilitate the activation
10 or deactivation of other functions (in-
11 cluding active mode) by remote switch
12 (including remote control), internal
13 sensor, or timer.

14 “(II) Continuous functions, in-
15 cluding information or status displays
16 (including clocks) or sensor-based
17 functions.

18 “(B) AMENDED DEFINITIONS.—The Sec-
19 retary may, by rule, amend the definitions
20 under subparagraph (A), taking into consider-
21 ation the most current versions of Standards
22 62301 and 62087 of the International Electro-
23 technical Commission.

24 “(2) TEST PROCEDURES.—(A) Test procedures
25 for all covered products shall be amended pursuant

1 to section 323 to include standby mode and off mode
2 energy consumption, taking into consideration the
3 most current versions of Standards 62301 and
4 62087 of the International Electrotechnical Commis-
5 sion, with such energy consumption integrated into
6 the overall energy efficiency, energy consumption, or
7 other energy descriptor for each covered product,
8 unless the Secretary determines that—

9 “(i) the current test procedures for a cov-
10 ered product already fully account for and in-
11 corporate its standby mode and off mode energy
12 consumption; or

13 “(ii) such an integrated test procedure is
14 technically infeasible for a particular covered
15 product, whereupon the Secretary shall promul-
16 gate a separate standby mode and off mode en-
17 ergy use test procedure for such product, if
18 technically feasible.

19 “(B) The test procedure amendments required
20 by subparagraph (A) shall be prescribed in a final
21 rule no later than the following dates:

22 “(i) December 31, 2008, for battery char-
23 gers and external power supplies.

1 “(ii) March 31, 2009, for clothes dryers,
2 room air conditioners, and fluorescent lamp bal-
3 lasts.

4 “(iii) June 30, 2009, for residential clothes
5 washers.

6 “(iv) September 30, 2009, for residential
7 furnaces and boilers.

8 “(v) March 31, 2010, for residential water
9 heaters, direct heating equipment, and pool
10 heaters.

11 “(vi) March 31, 2011, for residential dish-
12 washers, ranges and ovens, microwave ovens,
13 and dehumidifiers.

14 “(C) The test procedure amendments adopted
15 pursuant to subparagraph (B) shall not be used to
16 determine compliance with product standards estab-
17 lished prior to the adoption of such amended test
18 procedures.

19 “(3) INCORPORATION INTO STANDARD.—Based
20 on the test procedures required under paragraph
21 (2), any final rule establishing or revising a standard
22 for a covered product, adopted after July 1, 2010,
23 shall incorporate standby mode and off mode energy
24 use into a single amended or new standard, pursu-
25 ant to subsection (o), where feasible. Where not fea-

1 sible, the Secretary shall promulgate within such
2 final rule a separate standard for standby mode and
3 off mode energy consumption, if justified under sub-
4 section (o).”.

5 **SEC. 9016. BATTERY CHARGERS.**

6 Section 325(u) is amended—

7 (1) in paragraph (1)(E)(i)—

8 (A) by inserting “(I)” after “(E)(i)”;

9 (B) by striking “battery chargers and”
10 each place it appears; and

11 (C) by adding at the end the following new
12 subclause:

13 “(II) Not later than July 1, 2011, the Secretary shall
14 issue a final rule that prescribes energy conservation
15 standards for battery chargers or classes of battery char-
16 gers or determine that no energy conservation standard
17 is technically feasible and economically justified.”; and

18 (2) in paragraph (4), by striking “3 years” and
19 inserting “2 years”.

20 **SEC. 9017. WALK-IN COOLERS AND WALK-IN FREEZERS.**

21 (a) DEFINITIONS.—Section 340 of the Energy Policy
22 and Conservation Act (42 U.S.C. 6311) is amended—

23 (1) in paragraph (1)—

1 (A) by redesignating subparagraphs (G)
2 through (K) as subparagraphs (H) through (L),
3 respectively; and

4 (B) by inserting after subparagraph (F)
5 the following:

6 “(G) Walk-in coolers and walk-in freez-
7 ers.”;

8 (2) by redesignating paragraphs (20) and (21)
9 as paragraphs (21) and (22), respectively; and

10 (3) by inserting after paragraph (19) the fol-
11 lowing:

12 “(20) The terms ‘walk-in cooler’ and ‘walk-in
13 freezer’ mean an enclosed storage space refrigerated
14 to temperatures, respectively, above and at or below
15 32 degrees Fahrenheit that can be walked into, and
16 has a total chilled storage area of less than 3000
17 square feet. These terms exclude products designed
18 and marketed exclusively for medical, scientific, or
19 research purposes.”.

20 (b) STANDARDS.—Section 342 of the Energy Policy
21 and Conservation Act (42 U.S.C. 6313) is amended by
22 adding at the end the following:

23 “(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—
24 (1) Each walk-in cooler or walk-in freezer manufactured

1 on or after January 1, 2009, shall meet the following spec-
2 ifications:

3 “(A) Have automatic door closers that firmly
4 close all walk-in doors that have been closed to with-
5 in one inch of full closure. This requirement does
6 not apply to doors wider than 3 feet 9 inches or tall-
7 er than 7 feet.

8 “(B) Have strip doors, spring hinged doors, or
9 other method of minimizing infiltration when doors
10 are open.

11 “(C) Contain wall, ceiling, and door insulation
12 of at least R-25 for coolers and R-32 for freezers.
13 Door insulation requirements do not apply to glazed
14 portions of doors, nor to structural members.

15 “(D) Contain floor insulation of at least R-28
16 for freezers.

17 “(E) For evaporator fan motors of under one
18 horsepower and less than 460 volts, use either—

19 “(i) electronically commutated motors
20 (brushless direct current motors); or

21 “(ii) three-phase motors.

22 The portion of the requirement for electronically
23 commuted motors shall take effect January 1, 2009,
24 unless, prior to this date, the Secretary determines
25 that such motors are only available from one manu-

1 facturer. The Secretary may also allow other types
2 of motors if the Secretary determines that, on aver-
3 age, these other motors use no more energy in evap-
4 orator fan applications than electronically com-
5 mutated motors. The Secretary shall establish this
6 maximum energy consumption level no later than
7 January 1, 2010.

8 “(F) For condenser fan motors of under one
9 horsepower, use—

10 “(i) electronically commutated motors;

11 “(ii) permanent split capacitor-type mo-
12 tors; or

13 “(iii) three-phase motors.

14 “(G) For all interior lights, use light sources
15 with an efficacy of 40 lumens per watt or more, in-
16 cluding ballast losses (if any). Light sources with an
17 efficacy of 40 lumens per watt or less, including bal-
18 last losses (if any), may be used in conjunction with
19 a timer or device that turns off the lights within 15
20 minutes of when the walk-in cooler or walk-in freez-
21 er is not occupied.

22 “(2) Each walk-in cooler or walk-in freezer with
23 transparent reach-in doors manufactured on or after Jan-
24 uary 1, 2009, shall also meet the following specifications:

1 “(A) Transparent reach-in doors and windows
2 in walk-in doors for walk-in freezers shall be of tri-
3 ple-pane glass with either heat-reflective treated
4 glass or gas fill.

5 “(B) Transparent reach-in doors for walk-in
6 coolers and windows in walk-in doors shall be ei-
7 ther—

8 “(i) double-pane glass with heat-reflective
9 treated glass and gas fill; or

10 “(ii) triple pane glass with either heat-re-
11 flective treated glass or gas fill.

12 “(C) If the appliance has an antisweat heater
13 without antisweat heat controls, then the appliance
14 shall have a total door rail, glass, and frame heater
15 power draw of no more than 7.1 watts per square
16 foot of door opening (for freezers) and 3.0 watts per
17 square foot of door opening (for coolers).

18 “(D) If the appliance has an antisweat heater
19 with antisweat heat controls, and the total door rail,
20 glass, and frame heater power draw is more than 7.1
21 watts per square foot of door opening (for freezers)
22 and 3.0 watts per square foot of door opening (for
23 coolers), then the antisweat heat controls shall re-
24 duce the energy use of the antisweat heater in an
25 amount corresponding to the relative humidity in the

1 air outside the door or to the condensation on the
2 inner glass pane.

3 “(3) Not later than January 1, 2012, the Sec-
4 retary shall publish performance-based standards for
5 walk-in coolers and walk-in freezers that achieve the
6 maximum improvement in energy which the Sec-
7 retary determines is technologically feasible and eco-
8 nomically justified. Such standards shall apply to
9 products manufactured three years after the final
10 rule is published unless the Secretary determines, by
11 rule, that three years is inadequate, in which case
12 the Secretary may set an effective date for products
13 manufactured no greater than five years after the
14 date of publication of a final rule for these products.

15 “(4) Not later than January 1, 2020, the Sec-
16 retary shall publish a final rule to determine if the
17 standards established under paragraph (3) should be
18 amended. The rule shall provide that such standards
19 shall apply to products manufactured three years
20 after the final rule is published unless the Secretary
21 determines, by rule, that three years is inadequate,
22 in which case the Secretary may set an effective date
23 for products manufactured no greater than five
24 years after the date of publication of a final rule for
25 these products.”.

1 (c) TEST PROCEDURES.—Section 343(a) of the En-
2 ergy Policy and Conservation Act (42 U.S.C. 6314(a)) is
3 amended by adding at the end the following:

4 “(9) For walk-in coolers and walk-in freezers:

5 “(A) R value is defined as 1/K factor multiplied
6 by the thickness of the panel. K factor shall be
7 based on ASTM test procedure C518-2004. For cal-
8 culating R value for freezers, the K factor of the
9 foam at 20F (average foam temperature) shall be
10 used. For calculating R value for coolers the K fac-
11 tor of the foam at 55F (average foam temperature)
12 shall be used.

13 “(B) Not later than January 1, 2010, the Sec-
14 retary shall establish a test procedure to measure
15 the energy-use of walk-in coolers and walk-in freez-
16 ers. Such test procedure may be based on computer
17 modeling, if the computer model or models have
18 been verified using the results of laboratory tests on
19 a significant sample of walk-in coolers and walk-in
20 freezers.”.

21 (d) LABELING.—Section 344(e) of the Energy Policy
22 and Conservation Act (42 U.S.C. 6315(e)) is amended by
23 inserting “walk-in coolers and walk-in freezers,” after
24 “commercial clothes washers,” each place it appears.

1 (e) ADMINISTRATION, PENALTIES, ENFORCEMENT,
2 AND PREEMPTION.—Section 345 of the Energy Policy and
3 Conservation Act (42 U.S.C. 6316), is amended—

4 (1) by striking “subparagraphs (B), (C), (D),
5 (E), and (F)” and inserting “subparagraphs (B),
6 (C), (D), (E), (F), and (G)” each place it appears;
7 and

8 (2) by adding at the end the following:

9 “(h)(1)(A)(i) Except as provided in clause (ii) and
10 paragraphs (2) and (3), section 327 shall apply to walk-
11 in coolers and walk-in freezers for which standards have
12 been established under paragraphs (1) and (2) of section
13 342(f) to the same extent and in the same manner as the
14 section applies under part A on the date of enactment of
15 this subsection.

16 “(ii) Any State standard issued before the date of en-
17 actment of this subsection shall not be preempted until
18 the standards established under paragraphs (1) and (2)
19 of section 342(f) take effect.

20 “(B) In applying section 327 to the equipment under
21 subparagraph (A), paragraphs (1), (2), and (3) of sub-
22 section (a) shall apply.

23 “(2)(A) If the Secretary does not issue a final rule
24 for a specific type of walk-in cooler or walk-in freezer with-
25 in the time frame specified in section 342(f)(3) or (4),

1 subsections (b) and (c) of section 327 shall no longer apply
2 to the specific type of walk-in cooler or walk-in freezer for
3 the period beginning on the day after the scheduled date
4 for a final rule and ending on the date on which the Sec-
5 retary publishes a final rule covering the specific type of
6 walk-in cooler or walk-in freezer.

7 “(B) Any State standard issued before the publica-
8 tion of the final rule shall not be preempted until the
9 standards established in the final rule take effect.

10 “(3) Any standard issued in the State of California
11 before January 1, 2011, under Title 20 of the California
12 Code of Regulations, which refers to walk-in coolers and
13 walk-in freezers, for which standards have been estab-
14 lished under paragraphs (1) and (2) of section 342(f),
15 shall not be preempted until the standards established
16 under paragraph (3) of section 342(f) take effect.”.

In part 2 of subtitle A of title IX, add at the end
the following new section:

17 **SEC. 9024. METAL HALIDE LAMP FIXTURES.**

18 (a) DEFINITIONS.—Section 321 of the Energy Policy
19 and Conservation Act (42 U.S.C. 6291) is amended by
20 adding at the end the following:

21 “(57) The term ‘ballast’ means a device used
22 with an electric discharge lamp to obtain necessary

1 circuit conditions (voltage, current, and waveform)
2 for starting and operating.

3 “(58) The term ‘metal halide lamp’ means a
4 high intensity discharge lamp in which the major
5 portion of the light is produced by radiation of metal
6 halides and their products of dissociation, possibly in
7 combination with metallic vapors.

8 “(59) The term ‘metal halide lamp fixture’
9 means a light fixture for general lighting application
10 designed to be operated with a metal halide lamp
11 and a ballast for a metal halide lamp.

12 “(60) The term ‘metal halide ballast’ means a
13 ballast used to start and operate metal halide lamps.

14 “(61) The term ‘pulse-start metal halide bal-
15 last’ means an electronic or electromagnetic ballast
16 that starts a pulse start metal halide lamp with high
17 voltage pulses. Lamps are started by first providing
18 a high voltage pulse for ionization of the gas to
19 produce a glow discharge. To complete the starting
20 process, power is provided by the ballast to sustain
21 the discharge through the glow-to-arc transition.

22 “(62) The term ‘probe-start metal halide bal-
23 last’ means a ballast that starts a probe start metal
24 halide lamp which contains a third starting electrode
25 (probe) in the arc tube. This ballast does not gen-

1 erally contain an igniter and instead starts lamps
2 with high ballast open circuit voltage.

3 “(63) The term ‘electronic ballast’ means a de-
4 vice that uses semiconductors as the primary means
5 to control lamp starting and operation.

6 “(64) The term ‘general lighting application’
7 means lighting that provides an interior or exterior
8 area with overall illumination.

9 “(65) The term ‘ballast efficiency’ for a high in-
10 tensity discharge fixture means the efficiency of a
11 lamp and ballast combination, expressed as a per-
12 centage, and calculated by $\text{Efficiency} = P_{\text{out}}/P_{\text{in}}$, as
13 measured. P_{out} is the measured operating lamp
14 wattage, and P_{in} is the measured operating input
15 wattage. The lamp, and the capacitor when it is pro-
16 vided, is to constitute a nominal system in accord-
17 ance with the ANSI Standard C78.43-2004. P_{in} and
18 P_{out} are to be measured after lamps have been sta-
19 bilized according to Section 4.4 of ANSI Standard
20 C82.6-2005 using a wattmeter with accuracy speci-
21 fied in Section 4.5 of ANSI Standard C82.6-2005
22 for ballasts with a frequency of 60 Hz, and shall
23 have a basic accuracy of ± 0.5 percent at the higher
24 of—

1 “(A) three times the output operating fre-
2 quency of the ballast; or

3 “(B) 2 kHz for ballast with a frequency
4 greater than 60 Hz.

5 The Secretary may, by rule, modify this definition if
6 he determines that such modification is necessary or
7 appropriate to carry out the purposes of this Act.”.

8 (b) COVERAGE.—Section 322(a) of the Energy Policy
9 and Conservation Act (42 U.S.C. 6292(a)) is amended—
10 (1) by redesignating paragraph (19) as para-
11 graph (20); and

12 (2) by inserting after paragraph (18) the fol-
13 lowing:

14 “(19) Metal halide lamp fixtures.”.

15 (c) TEST PROCEDURES.—Section 323(c) of the En-
16 ergy Policy and Conservation Act (42 U.S.C. 6293(c)) is
17 amended by adding at the end the following:

18 “(17) Test procedures for metal halide lamp ballasts
19 shall be based on American National Standards Institute
20 Standard C82.6-2005, entitled ‘Ballasts for High Inten-
21 sity Discharge Lamps—Method of Measurement’.”.

22 (d) LABELING.—Section 324(a)(2) of the Energy
23 Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is
24 amended—

1 (1) by redesignating subparagraphs (C) through
2 (G) as subparagraphs (D) through (H), respectively;
3 and

4 (2) by inserting after subparagraph (B) the fol-
5 lowing:

6 “(C) The Commission shall prescribe labeling rules
7 under this section applicable to the covered product speci-
8 fied in paragraph (19) of section 322(a) and to which
9 standards are applicable under section 325. Such rules
10 shall provide that the labeling of any metal halide lamp
11 fixture manufactured on or after the later of January 1,
12 2009, or nine months after enactment of this subpara-
13 graph, will indicate conspicuously, in a manner prescribed
14 by the Commission under subsection (b) by July 1, 2008,
15 a capital letter ‘E’ printed within a circle on the packaging
16 of the fixture, and on the ballast contained in such fix-
17 ture.”.

18 (e) STANDARDS.—Section 325 of the Energy Policy
19 and Conservation Act (42 U.S.C. 6295) is amended—

20 (1) by redesignating subsection (gg) as sub-
21 section (hh);

22 (2) by inserting after subsection (ff) the fol-
23 lowing:

24 “(gg) METAL HALIDE LAMP FIXTURES.—

1 “(1)(A) Metal halide lamp fixtures designed to
2 be operated with lamps rated greater than or equal
3 to 150 watts but less than or equal to 500 watts
4 shall contain—

5 “(i) a pulse-start metal halide ballast with
6 a minimum ballast efficiency of 88 percent;

7 “(ii) a magnetic probe-start ballast with a
8 minimum ballast efficiency of 94 percent; or

9 “(iii) a non-pulse-start electronic ballast
10 with a minimum ballast efficiency of 92 percent
11 for wattages greater than 250 watts and a min-
12 imum ballast efficiency of 90 percent for watt-
13 ages less than or equal to 250 watts.

14 “(B) The standards in subparagraph (A) do not
15 apply to fixtures with regulated lag ballasts, fixtures
16 that use electronic ballasts that operate at 480 volts,
17 or fixtures that meet all of the following criteria:

18 “(i) Rated only for 150 watt lamps.

19 “(ii) Rated for use in wet locations as
20 specified by the National Electrical Code 2002,
21 Section 410.4(A).

22 “(iii) Contain a ballast that is rated to op-
23 erate at ambient air temperatures above 50° C
24 as specified by UL 1029-2001.

1 “(C) The standard in subparagraph (A) shall
2 apply to metal halide lamp fixtures manufactured on
3 or after the later of January 1, 2009, or 9 months
4 after the date of enactment of this subsection.

5 “(2) Not later than January 1, 2012, the Sec-
6 retary shall publish a final rule to determine whether
7 the standards established under paragraph (1)
8 should be amended. Such final rule shall contain the
9 amended standards, if any, and shall apply to prod-
10 ucts manufactured after January 1, 2015.

11 “(3) Not later than January 1, 2019, the Sec-
12 retary shall publish a final rule to determine whether
13 the standards then in effect should be amended.
14 Such final rule shall contain the amended standards,
15 if any, and shall apply to products manufactured
16 after January 1, 2022.

17 “(4) Notwithstanding any other provision of
18 law, any standard established pursuant to this sub-
19 section may contain both design and performance re-
20 quirements.”; and

21 (3) in subsection (hh), as so redesignated by
22 paragraph (1) of this subsection, by striking “(ff)”
23 both places it appears and inserting “(gg)”.

1 (f) EFFECT ON OTHER LAW.—Section 327(c) of the
2 Energy Policy and Conservation Act (42 U.S.C. 6297(c))
3 is amended—

4 (1) by striking the period at the end of para-
5 graph (8)(B) and inserting “; and”; and

6 (2) by adding at the end the following:

7 “(9) is a regulation concerning metal halide
8 lamp fixtures adopted by the California Energy
9 Commission on or before January 1, 2011. If the
10 Secretary fails to issue a final rule within 6 months
11 after the deadlines for rulemakings in section
12 325(gg) then, notwithstanding any other provision of
13 this section, preemption does not apply to a regula-
14 tion concerning metal halide lamp fixtures adopted
15 by the California Energy Commission on or before
16 July 1, 2015, if the Secretary misses the deadline
17 specified in paragraph (2) of section 325(gg), or on
18 or before July 1, 2022, if the Secretary misses the
19 deadline specified in paragraph (3) of section
20 325(gg).”.

In section 9031(a), in the proposed section
304(a)(2)(B), insert “Any such modified code or stand-
ard shall achieve the maximum level of energy savings
that are technically feasible and economically justified,
incorporating available appliances, technologies, mate-

rials, and construction practices.” after “meets such targets.”.

In section 9032(a), insert “Such standards shall be established after notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties, and after consultation with the Secretary of Housing and Urban Development who may seek further counsel from the Manufactured Housing Consensus Committee.” after “manufactured housing.”.

In section 9034(a), insert “In implementing the Alternative Delivery System Pilot Project, the Secretary shall consider (1) the expected effectiveness and benefits of the proposed Pilot Project to low- and moderate-income energy consumers; (2) the potential for replication of successful results; (3) the impact on the energy costs of those served; and (4) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships. Funding for such projects may equal up to two percent of funding in any fiscal year, provided that no funding is utilized for such demonstrations in any fiscal year in which Weatherization appropriations are less than \$275,000,000.” after “cold urban areas.”.

In section 9301, amend subsection (j) to read as follows:

- 1 (j) DOUBLE COUNTING.—No person that receives a
- 2 credit under section 30C of the Internal Revenue Code of
- 3 1986 may receive assistance under this section.

Amend the table of contents accordingly.

Part B

Text of amendments to be made in order

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Blumenauer OF Oregon, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

12 Revised

AMENDMENT TO H.R. 3221
OFFERED BY MR. BLUMENAUER OF OREGON

In title IX, after subtitle F, insert:

1 **Subtitle G—Natural Gas Utilities**

2 **SEC. 9511. NATURAL GAS UTILITIES.**

3 (a) IN GENERAL.—Section 303(b) of the Public Util-
4 ity Regulatory Policies Act of 1978 (15 U.S.C. 3203(b))
5 is amended by adding at the end the following:

6 “(5) ENERGY EFFICIENCY.—Each natural gas
7 utility shall—

8 “(A) integrate energy efficiency resources
9 into the plans and planning processes of the
10 natural gas utility; and

11 “(B) adopt policies that establish energy
12 efficiency as a priority resource in the plans
13 and planning processes of the natural gas util-
14 ity.

15 For purposes of applying the provisions of this sub-
16 title to this paragraph, any reference in this subtitle
17 to the date of enactment of this Act shall be treated
18 as a reference to the date of the enactment of this
19 paragraph.

1 “(6) RATE POLICY MODIFICATIONS TO PRO-
2 MOTE ENERGY EFFICIENCY INVESTMENTS.—

3 “(A) IN GENERAL.—The rates allowed to
4 be charged by a natural gas utility shall align
5 utility incentives with the deployment of cost-ef-
6 fective energy efficiency.

7 “(B) POLICY OPTIONS.—In complying with
8 subparagraph (A), each State regulatory au-
9 thority and each nonregulated utility shall con-
10 sider—

11 “(i) ensuring that utilities’ recovery of
12 authorized revenues is independent of the
13 amount of customers’ natural gas con-
14 sumption;

15 “(ii) providing to utilities incentives
16 for the successful management of energy
17 efficiency programs, such as allowing utili-
18 ties to retain a portion of the cost-reducing
19 benefits accruing from the programs;

20 “(iii) promoting the impact on adop-
21 tion of energy efficiency as 1 of the goals
22 of retail rate design, recognizing that en-
23 ergy efficiency must be balanced with other
24 objectives; and

1 “(iv) adopting rate designs that en-
2 courage energy efficiency for each cus-
3 tomer class.

4 For purposes of applying the provisions of this
5 subtitle to this paragraph, any reference in this
6 subtitle to the date of enactment of this Act
7 shall be treated as a reference to the date of the
8 enactment of this paragraph.”.

9 (b) CONFORMING AMENDMENT.—Section 303(b)(2)
10 of such Act is amended by striking “and (4)” inserting
11 “(4), (5), and (6)” in lieu thereof.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Shays OF connecticut, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MR. SHAYS OF CONNECTICUT

In section 9034(a), strike “\$600,000,000 for fiscal year 2007, and \$750,000,000” and insert “\$1,200,000,000 for fiscal year 2007, and \$1,400,000,000”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hookey OF Oregon, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MS. HOOLEY OF OREGON

In part 6 of subtitle A of title IX, add at the end
the following new section:

1 **SEC. 9077. STUDY ON INDOOR ENVIRONMENTAL QUALITY**
2 **IN SCHOOLS.**

3 (a) IN GENERAL.—The Administrator of the Envi-
4 ronmental Protection Agency shall enter into an arrange-
5 ment with the Secretary of Education and the Secretary
6 of Energy to conduct a detailed study of how sustainable
7 building features such as energy efficiency affect multiple
8 perceived indoor environmental quality stressors on stu-
9 dents in K-12 schools.

10 (b) CONTENTS.—The study shall—

11 (1) investigate synergistic effects of multiple
12 perceived stressors, including thermal discomfort,
13 visual discomfort, acoustical dissatisfaction such as
14 noise and loss of speech privacy, and air quality dis-
15 satisfaction;

16 (2) identify how sustainable building features,
17 such as energy efficiency, are influencing these
18 human outcomes singly and in concert; and

1 (3) ensure that the impacts of the indoor envi-
2 ronmental quality are evaluated as a whole.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for carrying out this sec-
5 tion \$200,000 for each of the fiscal years 2008 through
6 2012.

Amend the table of contents accordingly.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Pitts OF Pennsylvania, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MR. PITTS OF PENNSYLVANIA

In section 9003(4), in the proposed paragraph (3),
add at the end the following new subparagraph:

1 “(C) EXCEPTION.—Boilers that are manu-
2 factured to operate without any need for elec-
3 tricity, any electric connection, any electric
4 gauges, electric pumps, electric wires, or electric
5 devices of any sort, shall not be required to
6 meet the requirements of this section.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Terry OF Nebraska, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

44

AMENDMENT TO H.R. 3221**OFFERED BY MR. TERRY**

In title IX, at the end of Part 4 of subtitle A, add the following new section and make the necessary conforming amendments in the table of contents:

1 SEC. 9053. GEOTHERMAL HEAT PUMP TECHNOLOGY ACCEL-
2 ERATION PROGRAM.

3 (a) Definitions- In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of General Serv-
6 ices.

7 (2) GENERAL SERVICES ADMINISTRATION FA-
8 CILITY.—

9 (A) IN GENERAL.—The term “General
10 Services Administration facility” means any
11 building, structure, or facility, in whole or in
12 part (including the associated support systems
13 of the building, structure, or facility), that—

14 (i) is constructed (including facilities
15 constructed for lease), renovated, or pur-
16 chased, in whole or in part, by the Admin-
17 istrator for use by the Federal Govern-
18 ment; or

1 (ii) is leased, in whole or in part, by
2 the Administrator for use by the Federal
3 Government—

4 (I) except as provided in sub-
5 clause (II), for a term of not less than
6 5 years; or

7 (II) for a term of less than 5
8 years, if the Administrator determines
9 that use of cost-effective technologies
10 and practices would result in the pay-
11 back of expenses.

12 (B) INCLUSION.—The term “General Serv-
13 ices Administration facility” includes any group
14 of buildings, structures, or facilities described in
15 subparagraph (A) (including the associated en-
16 ergy-consuming support systems of the build-
17 ings, structures, and facilities).

18 (C) EXEMPTION.—The Administrator may
19 exempt from the definition of “General Services
20 Administration facility” under this paragraph a
21 building, structure, or facility that meets the re-
22 quirements of section 543(c) of Public Law 95-
23 619 (42 U.S.C. 8253(c)).

24 (b) Establishment—

1 (1) IN GENERAL.—The Administrator shall es-
2 tablish a program to accelerate the use of geo-
3 thermal heat pumps at General Services Administra-
4 tion facilities.

5 (2) REQUIREMENTS.—The program established
6 under this subsection shall—

7 (A) ensure centralized responsibility for
8 the coordination of geothermal heat pump rec-
9 ommendations, practices, and activities of all
10 relevant Federal agencies;

11 (B) provide technical assistance and oper-
12 ational guidance to applicable tenants to
13 achieve the goal identified in subsection
14 (c)(2)(B)(ii); and

15 (C) establish methods to track the success
16 of Federal departments and agencies with re-
17 spect to that goal.

18 (c) ACCELERATED USE OF GEOTHERMAL HEAT
19 PUMP TECHNOLOGIES.—

20 (1) REVIEW.—

21 (A) IN GENERAL.—As part of the program
22 under this section, not later than 90 days after
23 the date of enactment of this Act, the Adminis-
24 trator shall conduct a review of—

1 (i) current use of geothermal heat
2 pump technologies in General Services Ad-
3 ministration facilities; and

4 (ii) the availability to managers of
5 General Services Administration facilities
6 of geothermal heat pumps.

7 (B) REQUIREMENTS.—The review under
8 subparagraph (A) shall—

9 (i) examine the use of geothermal heat
10 pumps by Federal agencies in General
11 Services Administration facilities; and

12 (ii) as prepared in consultation with
13 the Administrator of the Environmental
14 Protection Agency, identify geothermal
15 heat pump technology standards that could
16 be used for all types of General Services
17 Administration facilities.

18 (2) REPLACEMENT.—

19 (A) IN GENERAL.—As part of the program
20 under this section, not later than 180 days
21 after the date of enactment of this Act, the Ad-
22 ministrator shall establish, using available ap-
23 propriations, a geothermal heat pump tech-
24 nology acceleration program to achieve max-
25 imum feasible replacement of existing heating

1 and cooling technologies with geothermal heat
2 pump technologies in each General Services Ad-
3 ministration facility.

4 (B) ACCELERATION PLAN TIMETABLE.—

5 (i) IN GENERAL.—To implement the
6 program established under subparagraph
7 (A), not later than 1 year after the date of
8 enactment of this Act, the Administrator
9 shall establish a timetable, including mile-
10 stones for specific activities needed to re-
11 place existing heating and cooling tech-
12 nologies with geothermal heat pump tech-
13 nologies, to the maximum extent feasible
14 (including at the maximum rate feasible),
15 at each General Services Administration
16 facility.

17 (ii) GOAL.—The goal of the timetable
18 under clause (i) shall be to complete, using
19 available appropriations, maximum feasible
20 replacement of existing heating and cooling
21 technologies with geothermal heat pump
22 technologies by not later than the date that
23 is 5 years after the date of enactment of
24 this Act.

1 (d) GENERAL SERVICES ADMINISTRATION FACILITY
2 GEOTHERMAL HEAT PUMP TECHNOLOGIES AND PRAC-
3 TICES.— Not later than 180 days after the date of enact-
4 ment of this Act, and annually thereafter, the Adminis-
5 trator shall—

6 (1) ensure that a manager responsible for accel-
7 erating the use of geothermal heat pump tech-
8 nologies is designated for each General Services Ad-
9 ministration facility geothermal heat pump tech-
10 nologies and practices facility; and

11 (2) submit to Congress a plan, to be imple-
12 mented to the maximum extent feasible (including at
13 the maximum rate feasible) using available appro-
14 priations, by not later than the date that is 5 years
15 after the date of enactment of this Act, that—

16 (A) includes an estimate of the funds nec-
17 essary to carry out this section;

18 (B) describes the status of the implementa-
19 tion of geothermal heat pump technologies and
20 practices at General Services Administration fa-
21 cilities, including—

22 (i) the extent to which programs, in-
23 cluding the program established under sub-
24 section (b), are being carried out in ac-
25 cordance with this Act; and

1 (ii) the status of funding requests and
2 appropriations for those programs;

3 (C) identifies within the planning, budg-
4 eting, and construction processes, all types of
5 General Services Administration facility-related
6 procedures that inhibit new and existing Gen-
7 eral Services Administration facilities from im-
8 plementing geothermal heat pump technologies;

9 (D) recommends language for uniform
10 standards for use by Federal agencies in imple-
11 menting geothermal heat pump technologies
12 and practices;

13 (E) in coordination with the Office of Man-
14 agement and Budget, reviews the budget proc-
15 ess for capital programs with respect to alter-
16 natives for—

17 (i) permitting Federal agencies to re-
18 tain all identified savings accrued as a re-
19 sult of the use of geothermal heat pump
20 technologies; and

21 (ii) identifying short- and long-term
22 cost savings that accrue from the use of
23 geothermal heat pump technologies and
24 practices;

1 (F) achieves substantial operational cost
2 savings through the application of geothermal
3 heat pump technologies; and

4 (G) includes recommendations to address
5 each of the matters, and a plan for implementa-
6 tion of each recommendation, described in sub-
7 paragraphs (A) through (F).

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as are nec-
10 essary to carry out this section, to remain available until
11 expended.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Udall, Tom OF New Mexico, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

96
Revised**AMENDMENT TO H.R. 3221****OFFERED BY MR. UDALL OF NEW MEXICO**

In title IX, after subtitle F, insert the following new subtitle and make the necessary conforming changes in the table of contents:

1 **Subtitle G—Federal Renewable**
2 **Portfolio Standard**

3 **SEC. 9600. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

4 (a) IN GENERAL.—Title VI of the Public Utility Reg-
5 ulatory Policies Act of 1978 is amended by adding at the
6 end the following:

7 **“SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

8 “(a) DEFINITIONS.—For purposes of this section:

9 “(1) BIOMASS.—

10 “(A) IN GENERAL.—The term ‘biomass’
11 means—

12 “(i) cellulosic (plant fiber) organic
13 materials from a plant that is planted for
14 the purpose of being used to produce en-
15 ergy; or

16 “(ii) nonhazardous, plant or algal
17 matter that is derived from any of the fol-
18 lowing:

1 “(I) An agricultural crop, crop
2 byproduct or residue resource.

3 “(II) Waste such as landscape or
4 right-of-way trimmings (but not in-
5 cluding municipal solid waste, recycla-
6 ble postconsumer waste paper, paint-
7 ed, treated, or pressurized wood, wood
8 contaminated with plastic or metals).

9 “(III) Gasified animal waste.

10 “(IV) Landfill methane.

11 “(B) NATIONAL FOREST LANDS AND CER-
12 TAIN OTHER PUBLIC LANDS.—With respect to
13 organic material removed from National Forest
14 System lands or from public lands administered
15 by the Secretary of the Interior, the term ‘bio-
16 mass’ covers only organic material from (i) eco-
17 logical forest restoration; (ii) pre-commercial
18 thinnings; (iii) brush; (iv) mill residues; and (v)
19 slash.

20 “(C) EXCLUSION OF CERTAIN FEDERAL
21 LANDS.—Notwithstanding subparagraph (B),
22 material or matter that would otherwise qualify
23 as biomass are not included in the term bio-
24 mass if they are located on the following Fed-
25 eral lands:

1 “(i) Federal land containing old
2 growth forest or late successional forest
3 unless the Secretary of the Interior or the
4 Secretary of Agriculture determines that
5 the removal of organic material from such
6 land is appropriate for the applicable forest
7 type and maximizes the retention of late-
8 successional and large and old growth
9 trees, late-successional and old growth for-
10 est structure, and late-successional and old
11 growth forest composition.

12 “(ii) Federal land on which the re-
13 moval of vegetation is prohibited, including
14 components of the National Wilderness
15 Preservation System.

16 “(iii) Wilderness Study Areas.

17 “(iv) Inventoried roadless areas.

18 “(v) Components of the National
19 Landscape Conservation System.

20 “(vi) National Monuments.

21 “(2) ELIGIBLE FACILITY.—The term ‘eligible
22 facility’ means—

23 “(A) a facility for the generation of electric
24 energy from a renewable energy resource that is

1 placed in service on or after January 1, 2001;
2 or

3 “(B) a repowering or cofiring increment.

4 “(3) EXISTING FACILITY.—The term ‘existing
5 facility’ means a facility for the generation of elec-
6 tric energy from a renewable energy resource that is
7 not an eligible facility.

8 “(4) INCREMENTAL HYDROPOWER.—The term
9 ‘incremental hydropower’ means additional genera-
10 tion that is achieved from increased efficiency or ad-
11 ditions of capacity made on or after January 1,
12 2001, or the effective date of an existing applicable
13 State renewable portfolio standard program at a hy-
14 droelectric facility that was placed in service before
15 that date.

16 “(5) INDIAN LAND.—The term ‘Indian land’
17 means—

18 “(A) any land within the limits of any In-
19 dian reservation, pueblo, or rancharia;

20 “(B) any land not within the limits of any
21 Indian reservation, pueblo, or rancharia title to
22 which was on the date of enactment of this
23 paragraph either held by the United States for
24 the benefit of any Indian tribe or individual or
25 held by any Indian tribe or individual subject to

1 restriction by the United States against alien-
2 ation;

3 “(C) any dependent Indian community; or

4 “(D) any land conveyed to any Alaska Na-
5 tive corporation under the Alaska Native
6 Claims Settlement Act.

7 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
8 means any Indian tribe, band, nation, or other orga-
9 nized group or community, including any Alaskan
10 Native village or regional or village corporation as
11 defined in or established pursuant to the Alaska Na-
12 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
13 which is recognized as eligible for the special pro-
14 grams and services provided by the United States to
15 Indians because of their status as Indians.

16 “(7) RENEWABLE ENERGY.—The term ‘renew-
17 able energy’ means electric energy generated by a re-
18 newable energy resource.

19 “(8) RENEWABLE ENERGY RESOURCE.—The
20 term ‘renewable energy resource’ means solar (in-
21 cluding solar water heating), wind, ocean, tidal, geo-
22 thermal energy, biomass, landfill gas, or incremental
23 hydropower.

1 “(9) REPOWERING OR COFIRING INCREMENT.—

2 The term ‘repowering or cofiring increment’
3 means—

4 “(A) the additional generation from a
5 modification that is placed in service on or after
6 January 1, 2001, to expand electricity produc-
7 tion at a facility used to generate electric en-
8 ergy from a renewable energy resource or to
9 cofire biomass that was placed in service before
10 the date of enactment of this section; or

11 “(B) the additional generation above the
12 average generation in the 3 years preceding the
13 date of enactment of this section at a facility
14 used to generate electric energy from a renew-
15 able energy resource or to cofire biomass that
16 was placed in service before the date of enact-
17 ment of this section.

18 “(10) RETAIL ELECTRIC SUPPLIER.—The term
19 ‘retail electric supplier’ means a person that sells
20 electric energy to electric consumers (other than con-
21 sumers in Hawaii) that sold not less than 1,000,000
22 megawatt-hours of electric energy to electric con-
23 sumers for purposes other than resale during the
24 preceding calendar year; except that such term does
25 not include the United States, a State or any polit-

1 ical subdivision of a State, or any agency, authority,
2 or instrumentality of any one or more of the fore-
3 going, or a rural electric cooperative.

4 “(11) RETAIL ELECTRIC SUPPLIER’S BASE
5 AMOUNT.—The term ‘retail electric supplier’s base
6 amount’ means the total amount of electric energy
7 sold by the retail electric supplier, expressed in
8 terms of kilowatt hours, to electric customers for
9 purposes other than resale during the most recent
10 calendar year for which information is available, ex-
11 cluding —

12 “(A) electric energy that is not incremental
13 hydropower generated by a hydroelectric facil-
14 ity; and

15 “(B) electricity generated through the in-
16 cineration of municipal solid waste.

17 “(b) COMPLIANCE.—For each calendar year begin-
18 ning in calendar year 2010, each retail electric supplier
19 shall meet the requirements of subsection (c) by submit-
20 ting to the Secretary, not later than April 1 of the fol-
21 lowing calendar year, one or more of the following:

22 “(1) Federal renewable energy credits issued
23 under subsection (e).

24 “(2) Federal energy efficiency credits issued
25 under subsection (i), except that Federal energy effi-

1 ciency credits may not be used to meet more than
 2 ~~20~~ percent of the requirements of subsection (c) in
 3 ²⁷ any calendar year.

4 “(3) Certification of the renewable energy gen-
 5 erated and electricity savings pursuant to the funds
 6 associated with State compliance payments as speci-
 7 fied in subsection (e)(3)(G).

8 “(4) Alternative compliance payments pursuant
 9 to subsection (j).

10 “(c) REQUIRED ANNUAL PERCENTAGE.—For cal-
 11 endar years 2010 through 2039, the required annual per-
 12 centage of the retail electric supplier’s base amount that
 13 shall be generated from renewable energy resources, or
 14 otherwise credited towards such percentage requirement
 15 pursuant to subsection (d), shall be the percentage speci-
 16 fied in the following table:

“Calendar Years	Required annual percentage
2010	1.75 2.75
2011	2.75 2.75
2012	3.75
2013	4.5
2014	5.5
2015	6.5
2016	7.5
2017	8.25
2018	10.25
2019	12.25
2020 and thereafter through 2039	15

17 “(d) RENEWABLE ENERGY AND ENERGY EFFI-
 18 CIENCY CREDITS.—(1) A retail electric supplier may sat-

1 isfy the requirements of subsection (b)(1) through the sub-
2 mission of Federal renewable energy credits—

3 “(A) issued to the retail electric supplier under
4 subsection (e);

5 “(B) obtained by purchase or exchange under
6 subsection (f) or (g); or

7 “(C) borrowed under subsection (h).

8 “(2) A retail electric supplier may satisfy the require-
9 ments of subsection (b)(2) through the submission of Fed-
10 eral energy efficiency credits issued to the retail electric
11 supplier obtained by purchase or exchange pursuant to
12 subsection (i).”

13 “(3) A Federal renewable energy credit may be
14 counted toward compliance with subsection (b)(1) only
15 once. A Federal energy efficiency credit may be counted
16 toward compliance with subsection (b)(2) only once.

17 “(e) ISSUANCE OF CREDITS.—(1) The Secretary
18 shall establish by rule, not later than 1 year after the date
19 of enactment of this section, a program to verify and issue
20 Federal renewable energy credits to generators of renew-
21 able energy, track their sale, exchange and retirement and
22 to enforce the requirements of this section. To the extent
23 possible, in establishing such program, the Secretary shall
24 rely upon existing and emerging State or regional tracking

1 systems that issue and track non-Federal renewable en-
2 ergy credits.

3 “(2) An entity that generates electric energy through
4 the use of a renewable energy resource may apply to the
5 Secretary for the issuance of renewable energy credits.
6 The applicant must demonstrate that the electric energy
7 will be transmitted onto the grid or, in the case of a gen-
8 eration offset, that the electric energy offset would have
9 otherwise been consumed on site. The application shall in-
10 dicate—

11 “(A) the type of renewable energy resource used
12 to produce the electricity;

13 “(B) the location where the electric energy was
14 produced; and

15 “(C) any other information the Secretary deter-
16 mines appropriate.

17 “(3)(A) Except as provided in subparagraphs (B),
18 (C), and (D), the Secretary shall issue to a generator of
19 electric energy one Federal renewable energy credit for
20 each kilowatt hour of electric energy generated by the use
21 of a renewable energy resource at an eligible facility.

22 “(B) For purpose of compliance with this section,
23 Federal renewable energy credits for incremental hydro-
24 power shall be based, on the increase in average annual
25 generation resulting from the efficiency improvements or

1 capacity additions. The incremental generation shall be
2 calculated using the same water flow information used to
3 determine a historic average annual generation baseline
4 for the hydroelectric facility and certified by the Secretary
5 or the Federal Energy Regulatory Commission. The cal-
6 culation of the Federal renewable energy credits for incre-
7 mental hydropower shall not be based on any operational
8 changes at the hydroelectric facility not directly associated
9 with the efficiency improvements or capacity additions.

10 “(C) The Secretary shall issue 2 renewable energy
11 credits for each kilowatt hour of electric energy generated
12 and supplied to the grid in that calendar year through the
13 use of a renewable energy resource at an eligible facility
14 located on Indian land. For purposes of this paragraph,
15 renewable energy generated by biomass cofired with other
16 fuels is eligible for two credits only if the biomass was
17 grown on such land.

18 “(D) For electric energy generated by a renewable
19 energy resource at an on-site eligible facility and used to
20 offset part or all of the customer’s requirements for elec-
21 tric energy, the Secretary shall issue 3 renewable energy
22 credits to such customer for each kilowatt hour generated.

23 “(E) If both a renewable energy resource and a non-
24 renewable energy resource are used to generate the electric
25 energy, the Secretary shall issue the Federal renewable en-

1 ergy credits based on the proportion of the renewable en-
2 ergy resources used.

3 “(F) When a generator has sold electric energy gen-
4 erated through the use of a renewable energy resource to
5 a retail electric supplier under a contract for power from
6 an existing facility, and the contract has not determined
7 ownership of the Federal renewable energy credits associ-
8 ated with such generation, the Secretary shall issue such
9 Federal renewable energy credits to the retail electric sup-
10 plier for the duration of the contract.

11 “(G) Payments made by a retail electricity supplier,
12 directly or indirectly, to a State for compliance with a
13 State renewable portfolio standard program, or for an al-
14 ternative compliance mechanism, shall be valued for the
15 purpose of subsection (b)(2) based on the amount of elec-
16 tric energy generation from renewable resources and elec-
17 tricity savings that results from those payments.

18 “(f) EXISTING FACILITIES.—The Secretary shall en-
19 sure that a retail electric supplier that acquires Federal
20 renewable energy credits associated with the generation of
21 renewable energy from an existing facility may use such
22 credits for purpose of its compliance with subsection
23 (b)(1). Such credits may not be sold or traded for the pur-
24 pose of compliance by another retail electric supplier.

1 “(g) RENEWABLE ENERGY CREDIT TRADING.—A
2 Federal renewable energy credit, may be sold, transferred
3 or exchanged by the entity to whom issued or by any other
4 entity who acquires the Federal renewable energy credit,
5 except for those renewable energy credits from existing fa-
6 cilities. A Federal renewable energy credit for any year
7 that is not submitted to satisfy the minimum renewable
8 generation requirement of subsection (c) for that year may
9 be carried forward for use pursuant to subsection (b)(1)
10 within the next 3 years.

11 “(h) RENEWABLE ENERGY CREDIT BORROWING.—
12 At any time before the end of calendar year 2012, a retail
13 electric supplier that has reason to believe it will not be
14 able to fully comply with subsection (b) may—

15 “(1) submit a plan to the Secretary dem-
16 onstrating that the retail electric supplier will earn
17 sufficient Federal renewable energy credits within
18 the next 3 calendar years which, when taken into ac-
19 count, will enable the retail electric supplier to meet
20 the requirements of subsection (b) for calendar year
21 2012 and the subsequent calendar years involved;
22 and

23 “(2) upon the approval of the plan by the Sec-
24 retary, apply Federal renewable energy credits that
25 the plan demonstrates will be earned within the next

1 3 calendar years to meet the requirements of sub-
2 section (b) for each calendar year involved.

3 The retail electric supplier must repay all of the borrowed
4 Federal renewable energy credits by submitting an equiva-
5 lent number of Federal renewable energy credits, in addi-
6 tion to those otherwise required under subsection (b), by
7 calendar year 2020 or any earlier deadlines specified in
8 the approved plan. Failure to repay the borrowed Federal
9 renewable energy credits shall subject the retail electric
10 supplier to civil penalties under subsection (i) for violation
11 of the requirements of subsection (b) for each calendar
12 year involved.

13 “(i) ENERGY EFFICIENCY CREDITS.—

14 “(1) DEFINITIONS.—In this subsection—

15 “(A) CUSTOMER FACILITY SAVINGS.—The
16 term ‘customer facility savings’ means a reduc-
17 tion in end-use electricity at a facility of an
18 end-use consumer of electricity served by a re-
19 tail electric supplier, as compared to——

20 “(i) consumption at the facility during
21 a base year;

22 “(ii) in the case of new equipment (re-
23 gardless of whether the new equipment re-
24 places existing equipment at the end of the
25 useful life of the existing equipment), con-

1 sumption by the new equipment of average
2 efficiency; or

3 “(iii) in the case of a new facility,
4 consumption at a reference facility.

5 “(B) ELECTRICITY SAVINGS.—The term
6 ‘electricity savings’ means——

7 “(i) customer facility savings of elec-
8 tricity consumption adjusted to reflect any
9 associated increase in fuel consumption at
10 the facility;

11 “(ii) reductions in distribution system
12 losses of electricity achieved by a retail
13 electricity distributor, as compared to
14 losses attributable to new or replacement
15 distribution system equipment of average
16 efficiency (as defined by the Secretary by
17 regulation);

18 “(iii) the output of new combined heat
19 and power systems, to the extent provided
20 under paragraph (5); and

21 “(iv) recycled energy savings.

22 “(C) QUALIFYING ELECTRICITY SAVINGS.—
23 The term ‘qualifying electricity savings’ means
24 electricity saving that meet the measurement
25 and verification requirements of paragraph (4).

1 “(D) RECYCLED ENERGY SAVINGS.—The
2 term ‘recycled energy savings’ means a reduc-
3 tion in electricity consumption that is attrib-
4 utable to electrical or mechanical power, or
5 both, produced by modifying an industrial or
6 commercial system that was in operation before
7 July 1, 2007, in order to recapture energy that
8 would otherwise be wasted.

9 “(2) PETITION.—The Governor of a State may
10 petition the Secretary to allow up to 25 percent of
11 the requirements of a retail electric supplier under
12 subsection (c) in the State to be met by submitting
13 Federal energy efficiency credits issued pursuant to
14 this subsection.

15 “(3) ISSUANCE OF CREDITS.—

16 “(A) The Secretary shall issue energy effi-
17 ciency credits in States described in paragraph
18 (2) in accordance with this subsection.

19 “(B) In accordance with regulations pro-
20 mulgated by the Secretary, the Secretary shall
21 issue credits for——

22 “(i) qualified electricity savings
23 achieved by a retail electric supplier in a
24 calendar year; and

1 “(ii) qualified electricity savings
2 achieved by other entities (including State
3 agencies) if —

4 “(I) the measures used to achieve
5 the qualifying electricity savings were
6 installed or place in operation by the
7 entity seeking the credit or the des-
8 ignated agent of the entity; and

9 “(II) no retail electric supplier
10 paid a substantial portion of the cost
11 of achieving the qualified electricity
12 savings (unless the utility has waived
13 any entitlement to the credit).

14 “(4) MEASUREMENT AND VERIFICATION
15 OF ELECTRICITY SAVINGS.—Not later than June 30,
16 2009, the Secretary shall promulgate regulations re-
17 garding the measurement and verification of elec-
18 tricity savings under this subsection, including regu-
19 lations covering—

20 “(A) procedures and standards for defining
21 and measuring electricity savings that will be
22 eligible to receive credits under paragraph (3),
23 which shall—

1 “(i) specify the types of energy effi-
2 ciency and energy conservation that will be
3 eligible for the credits;

4 “(ii) require that energy consumption
5 for customer facilities or portions of facili-
6 ties in the applicable base and current
7 years be adjusted, as appropriate, to ac-
8 count for changes in weather, level of pro-
9 duction, and building area;

10 “(iii) account for the useful life of
11 electricity savings measures;

12 “(iv) include specified electricity sav-
13 ings values for specific, commonly-used ef-
14 ficiency measures;

15 “(v) specify the extent to which elec-
16 tricity savings attributable to measures
17 carried out before the date of enactment of
18 this section are eligible to receive credits
19 under this subsection; and

20 “(vi) exclude electricity savings that
21 (I) are not properly attributable to meas-
22 ures carried out by the entity seeking the
23 credit; or (II) have already been credited
24 under this section to another entity;

1 “(B) procedures and standards for third-
2 party verification of reported electricity savings;
3 and

4 “(C) such requirements for information,
5 reports, and access to facilities as may be nec-
6 essary to carry out this subsection.

7 “(5) COMBINED HEAT AND POWER.—Under
8 regulations promulgated by the Secretary, the incre-
9 ment of electricity output of a new combined heat
10 and power system that is attributable to the higher
11 efficiency of the combined system (as compared to
12 the efficiency of separate production of the electric
13 and thermal outputs), shall be considered electricity
14 savings under this subsection.

15 “(6) STATE DELEGATION.—On application of
16 the Governor of a State, the Secretary may delegate
17 to the State the administration of this subsection in
18 the State if the Secretary determines that the State
19 is willing and able to carry out the functions de-
20 scribed in this subsection.”

21 “(j) ENFORCEMENT.—A retail electric supplier that
22 does not comply with subsection (b) shall be liable for the
23 payment of a civil penalty. That penalty shall be calculated
24 on the basis of the number of kilowatt-hours represented
25 by the retail electric supplier’s failure to comply with sub-

1 section (b), multiplied by the lesser of 4.5 cents (adjusted
2 for inflation for such calendar year, based on the Gross
3 Domestic Product Implicit Price Deflator) or 300 percent
4 of the average market value of Federal renewable energy
5 credits and energy efficiency credits for the compliance pe-
6 riod. Any such penalty shall be due and payable without
7 demand to the Secretary as provided in the regulations
8 issued under subsection (e).

9 “(k) ALTERNATIVE COMPLIANCE PAYMENTS.—The
10 Secretary shall accept payment equal to 200 percent of
11 the average market value of Federal renewable energy
12 credits and Federal energy efficiency credits for the appli-
13 cable compliance period or 3.0 cents per kilowatt hour ad-
14 justed on January 1 of each year following calendar year
15 2006 based on the Gross Domestic Product Implicit Price
16 Deflator, as a means of compliance under subsection
17 (b)(4).

18 “(l) INFORMATION COLLECTION.—The Secretary
19 may collect the information necessary to verify and
20 audit—

21 “(1) the annual renewable energy generation of
22 any retail electric supplier, Federal renewable energy
23 credits submitted by a retail electric supplier pursu-
24 ant to subsection (b)(1) and Federal energy effi-
25 ciency credits;

1 “(2) annual electricity savings achieved pursu-
2 ant to subsection (i);

3 “(3) the validity of Federal renewable energy
4 credits submitted for compliance by a retail electric
5 supplier to the Secretary; and

6 “(4) the quantity of electricity sales of all retail
7 electric suppliers.

8 “(m) ENVIRONMENTAL SAVINGS CLAUSE.—Incre-
9 mental hydropower shall be subject to all applicable envi-
10 ronmental laws and licensing and regulatory requirements.

11 “(n) STATE PROGRAMS.—(1) Nothing in this section
12 diminishes any authority of a State or political subdivision
13 of a State to—

14 “(A) adopt or enforce any law or regulation respect-
15 ing renewable energy or energy efficiency, including but
16 not limited to programs that exceed the required amount
17 of renewable energy or energy efficiency under this sec-
18 tion, or

19 “(B) regulate the acquisition and disposition of Fed-
20 eral renewable energy credits and Federal energy effi-
21 ciency credits by electric suppliers.

22 No law or regulation referred to in subparagraph (A) shall
23 relieve any person of any requirement otherwise applicable
24 under this section. The Secretary, in consultation with
25 States having renewable energy programs and energy effi-

1 ciency programs, shall preserve the integrity of such State
2 programs, including programs that exceed the required
3 amount of renewable energy and energy efficiency under
4 this section, and shall facilitate coordination between the
5 Federal program and State programs.

6 “(2) In the rule establishing the program under this
7 section, the Secretary shall incorporate common elements
8 of existing renewable energy and energy efficiency pro-
9 grams, including State programs, to ensure administrative
10 ease, market transparency and effective enforcement. The
11 Secretary shall work with the States to minimize adminis-
12 trative burdens and costs to retail electric suppliers.

13 “(o) RECOVERY OF COSTS.—An electric utility whose
14 sales of electric energy are subject to rate regulation, in-
15 cluding any utility whose rates are regulated by the Com-
16 mission and any State regulated electric utility, shall not
17 be denied the opportunity to recover the full amount of
18 the prudently incurred incremental cost of renewable en-
19 ergy and energy efficiency obtained to comply with the re-
20 quirements of subsection (b). For purposes of this sub-
21 section, the definitions in section 3 of this Act shall apply
22 to the terms electric utility, State regulated electric utility,
23 State agency, Commission, and State regulatory authority.

24 “(p) PROGRAM REVIEW.—The Secretary shall enter
25 into a contract with the National Academy of Sciences to

1 conduct a comprehensive evaluation of all aspects of the
2 program established under this section, within 8 years of
3 enactment of this section. The study shall include an eval-
4 uation of—

5 “(1) the effectiveness of the program in increas-
6 ing the market penetration and lowering the cost of
7 the eligible renewable energy and energy efficiency
8 technologies;

9 “(2) the opportunities for any additional tech-
10 nologies and sources of renewable energy and energy
11 efficiency emerging since enactment of this section;

12 “(3) the impact on the regional diversity and
13 reliability of supply sources, including the power
14 quality benefits of distributed generation;

15 “(4) the regional resource development relative
16 to renewable potential and reasons for any under in-
17 vestment in renewable resources; and

18 “(5) the net cost/benefit of the renewable port-
19 folio standard to the national and State economies,
20 including retail power costs, economic development
21 benefits of investment, avoided costs related to envi-
22 ronmental and congestion mitigation investments
23 that would otherwise have been required, impact on
24 natural gas demand and price, effectiveness of green

1 marketing programs at reducing the cost of renew-
2 able resources.

3 The Secretary shall transmit the results of the evaluation
4 and any recommendations for modifications and improve-
5 ments to the program to Congress not later than January
6 1, 2016.

7 “(q) STATE RENEWABLE ENERGY AND ENERGY EF-
8 FICIENCY ACCOUNT PROGRAM.—(1) The Secretary shall
9 establish, not later than December 31, 2009, a State re-
10 newable energy account program.

11 “(2) All money collected by the Secretary from the
12 alternative compliance payments under subsection (k)
13 shall be deposited into the State renewable energy and en-
14 ergy efficiency account established pursuant to this sub-
15 section.

16 “(3) Proceeds deposited in the State renewable en-
17 ergy and energy efficiency account shall be used by the
18 Secretary, subject to annual appropriations, for a program
19 to provide grants to the State agency responsible for ad-
20 ministering a fund to promote renewable energy genera-
21 tion and energy efficiency for customers of the state, or
22 an alternative agency designated by the state, or if no such
23 agency exists, to the state agency developing State energy
24 conservation plans under section 363 of the Energy Policy
25 and Conservation Act (42 U.S.C. 6322) for the purposes

1 of promoting renewable energy production and providing
2 energy assistance and weatherization services to low-in-
3 come consumers.

4 “(4) The Secretary may issue guidelines and criteria
5 for grants awarded under this subsection. At least 75 per-
6 cent of the funds provided to each State shall be used for
7 promoting renewable energy production and energy effi-
8 ciency through grants, production incentives or other
9 state-approved funding mechanisms. The funds shall be
10 allocated to the States on the basis of retail electric sales
11 subject to the Renewable Portfolio Standard under this
12 section or through voluntary participation. State agencies
13 receiving grants under this section shall maintain such
14 records and evidence of compliance as the Secretary may
15 require.”.

16 (b) TABLE OF CONTENTS.—The table of contents for
17 such title is amended by adding the following new item
18 at the end:

“Sec. 610. Federal renewable portfolio standard”.

19 (c) SUNSET.—Section 610 of such title and the item
20 relating to such section 610 in the table of contents for
21 such title are each repealed as of December 31, 2039.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Van Hollen OF Maryland, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221**OFFERED BY MR. VAN HOLLEN OF MARYLAND**

In section 9117(a), in the amendment adding paragraph (18) to section 111(d) of the Public Utility Regulatory Policies Act of 1978, in paragraph (18)(B), strike “and” in clause (iv), strike the period at the end of clause (v) and insert “; and” and after clause (v) insert:

1 “(vi) offering home energy audits,
2 publicizing the financial and environmental
3 benefits associated with making home en-
4 ergy efficiency improvements, and edu-
5 cating homeowners about all existing Fed-
6 eral and State incentives, including the
7 availability of low-cost loans, that make
8 home energy efficiency improvements more
9 affordable.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Schwartz OF Pennsylvania, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MS. SCHWARTZ OF PENNSYLVANIA

In part 4 of subtitle A of title IX, add at the end
the following new section:

1 SEC. 9053. GREEN MEETINGS.

2 (a) PURCHASE OF MEETING AND CONFERENCE
3 SERVICES.—Not later than 180 days after the date of the
4 enactment of this Act, the Administrator for Federal Pro-
5 curement Policy shall ensure that the Federal Acquisition
6 Regulation is revised to require each Federal agency to
7 consider, in each purchase of meeting and conference serv-
8 ices, the environmentally preferable features and practices
9 of a vendor in a manner substantially similar to that re-
10 quired of the Environmental Protection Agency in section
11 1523.703-1 (relating to acquisition of environmentally
12 preferable meeting and conference services) and section
13 1552.223-71 (relating to EPA Green Meetings and Con-
14 ferences) of title 48, Code of Federal Regulations, as set
15 forth in the Environmental Protection Agency final rule
16 published on pages 18401 through 18404 of volume 72,
17 Federal Register (April 12, 2007).

18 (b) DEFINITIONS.—In this section—

1 (1) the terms “environmentally preferable” and
2 “Federal agency” have the meanings given them by
3 section 2.101 of the Federal Acquisition Regulation;
4 and

5 (2) the term “meeting and conference services”
6 means the use of off-site commercial facilities for a
7 Federal agency event, including an event for a meet-
8 ing, conference, training session, or other purpose.

Amend the table of contents accordingly.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
arcuri OF New York, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MR. ARCURI OF NEW YORK

In title IX, insert the following at the end of part
1 of subtitle B and make the necessary conforming
amendments in the table of contents:

1 SEC. 9119. EMINENT DOMAIN AUTHORITY.

2 Section 216 of the Federal Power Act (as added by
3 section 1221 of the Energy Policy Act of 2005) is amend-
4 ed by repealing subsections (f) and by amending sub-
5 section (e) to read as follows:

6 “(e) ACQUISITION OF RIGHTS-OF-WAY.—In the case
7 of a permit under subsection (b) for electric transmission
8 facilities to be located on property other than property
9 owned by the United States or a State, if the permit hold-
10 er cannot acquire by contract, or is unable to agree with
11 the owner of the property to the compensation to be paid
12 for, the necessary right-of-way to construct or modify the
13 transmission facilities, the permit holder may acquire the
14 right-of-way in accordance with State law for the State
15 in which the property is located.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hodes OF New Hampshire, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221**OFFERED BY MR. HODES OF NEW HAMPSHIRE and Mr. Welch
of Vermont**

In part 3 of subtitle A of title IX, add at the end
the following new section:

1 **SEC. 9035. RENEWABLE ENERGY REBATE PROGRAM STUDY.**

2 Not later than 120 days after the date of enactment
3 of this Act, the Secretary of Energy shall conduct, and
4 transmit to Congress a report on, a study regarding the
5 rebate program described in section 206(c) of the Energy
6 Policy Act of 2005. The study shall—

7 (1) develop a plan for how such a rebate pro-
8 gram would be carried out if it were funded; and

9 (2) determine the minimum amount of funding
10 the program would need to receive in order to ac-
11 complish the goal of encouraging consumers to in-
12 stall renewable energy systems in their homes or
13 small businesses.

Amend the table of contents accordingly.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MURPHY, TIM OF Pennsylvania, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

10 Revised

AMENDMENT TO H.R. 3221
OFFERED BY MR. TIM MURPHY OF
PENNSYLVANIA

In section 9502(a), insert "improvements in data on solid byproducts from coal-based energy-producing facilities," after "oil and gas data,".

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY, CHRISTOPHER OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES:

7
Second
Revision

AMENDMENT TO H.R. 3221
OFFERED BY MR. MURPHY OF CONNECTICUT

In title IX, insert the following at the end of part
1 of subtitle B and make the necessary conforming
amendments in the table of contents:

1 **SEC. 9119. PUBLIC MEETINGS FOR CERTAIN FERC ACTIONS.**

2 (a) IN GENERAL.—Before issuing a permit, license,
3 or other authorization under part I of the Federal Power
4 Act for any action that may affect land use in any locality,
5 the Federal Energy Regulatory Commission shall hold a
6 public meeting in that locality regarding such permit, li-
7 cense or other authorization if such a meeting is requested
8 by 5 or more individuals or an organization representing
9 30 or more individuals. The meeting shall be held before
10 the end of any period for public comment under Commis-
11 sion rules. Not more than one public meeting need be held
12 with respect to a single permit, license or other authoriza-
13 tion

14 (b) MULTIPLE AREAS.—In the case of a facility that
15 affects multiple areas, the meeting shall be held in a sta-
16 tistical metropolitan area at a location reasonably central
17 to the affected areas.

1 (c) MOTIONS TO RECONSIDER.—The Commission
2 shall hold such a meeting whenever a request for reconsid-
3 eration is granted if the request was filed before the enact-
4 ment of this section and the Commission did not hold a
5 hearing prior to issuing the permit, license, or other au-
6 thorization concerned.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Sali OF Idaho, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

1028

AMENDMENT TO H.R. 3221
OFFERED BY MR. SALI OF IDAHO

In title IX, add at the end the following new sub-
title:

1 **Subtitle G—Large and Small Scale**
2 **Hydropower**

3 **SEC. 9601. SENSE OF CONGRESS.**

4 Congress recognizes and supports renewable energy.
5 Specifically, the clean, consistent, pollution free large and
6 small scale conventional hydropower energy.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Welch OF Vermont, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221**OFFERED BY MR. WELCH OF VERMONT**

In part IV of subtitle A of title IX, add at the end
the following new section:

1 **SEC. 9077. ENERGY SUSTAINABILITY AND EFFICIENCY**
2 **GRANTS FOR INSTITUTIONS OF HIGHER EDU-**
3 **CATION.**

4 Part G of title III of the Energy Policy and Conserva-
5 tion Act is amended by inserting after section 399 (42
6 U.S.C. 371h) the following:

7 **“SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY**
8 **GRANTS FOR INSTITUTIONS OF HIGHER EDU-**
9 **CATION.**

10 **“(a) DEFINITIONS.—**In this section:

11 **“(1) ENERGY SUSTAINABILITY.—**The term ‘en-
12 **ergy sustainability’** includes using a renewable en-
13 **ergy resource** and a highly efficient technology for
14 **electricity generation, transportation, heating, or**
15 **cooling.**

16 **“(2) INSTITUTION OF HIGHER EDUCATION.—**
17 **The term ‘institution of higher education’** has the
18 **meaning given the term in section 2 of the Energy**
19 **Policy Act of 2005 (42 U.S.C. 15801).**

1 “(b) GRANTS FOR ENERGY EFFICIENCY IMPROVE-
2 MENT.—

3 “(1) IN GENERAL.—The Secretary shall award
4 not more than 100 grants per year to institutions of
5 higher education to carry out projects to improve en-
6 ergy efficiency on the grounds and facilities of the
7 institution of higher education, including not less
8 than 1 grant to an institution of higher education in
9 each State.

10 “(2) CONDITION.—As a condition of receiving a
11 grant under this subsection, an institution of higher
12 education shall agree to—

13 “(A) implement a public awareness cam-
14 paign concerning the project in the community
15 in which the institution of higher education is
16 located; and

17 “(B) submit to the Secretary, and make
18 available to the public, reports on any efficiency
19 improvements, energy cost savings, and environ-
20 mental benefits achieved as part of a project
21 carried out under paragraph (1).

22 “(c) GRANTS FOR INNOVATION IN ENERGY SUSTAIN-
23 ABILITY.—

24 “(1) IN GENERAL.—The Secretary shall award
25 not more than 250 grants per year to institutions of

1 higher education to engage in innovative energy sus-
2 tainability projects, including not less than 2 grants
3 to institutions of higher education in each State.

4 “(2) INNOVATION PROJECTS.—An innovation
5 project carried out with a grant under this sub-
6 section shall—

7 “(A) involve—

8 “(i) an innovative technology that is
9 not yet commercially available; or

10 “(ii) available technology in an inno-
11 vative application that maximizes energy
12 efficiency and sustainability;

13 “(B) have the greatest potential for testing
14 or demonstrating new technologies or processes;
15 and

16 “(C) ensure active student participation in
17 the project, including the planning, implementa-
18 tion, evaluation, and other phases of the
19 project.

20 “(3) CONDITION.—As a condition of receiving a
21 grant under this subsection, an institution of higher
22 education shall agree to submit to the Secretary,
23 and make available to the public, reports that de-
24 scribe the results of the projects carried out under
25 paragraph (1).

1 “(d) AWARDING OF GRANTS.—

2 “(1) APPLICATION.—An institution of higher
3 education that seeks to receive a grant under this
4 section may submit to the Secretary an application
5 for the grant at such time, in such form, and con-
6 taining such information as the Secretary may pre-
7 scribe.

8 “(2) SELECTION.—The Secretary shall estab-
9 lish a committee to assist in the selection of grant
10 recipients under this section.

11 “(e) ALLOCATION TO INSTITUTIONS OF HIGHER
12 EDUCATION WITH SMALL ENDOWMENTS.—Of the
13 amount of grants provided for a fiscal year under this sec-
14 tion, the Secretary shall provide not less than 50 percent
15 of the amount to institutions of higher education that have
16 an endowment of not more than \$100,000,000, with 50
17 percent of the allocation set aside for institutions of higher
18 education that have an endowment of not more than
19 \$50,000,000.

20 “(f) GRANT AMOUNTS.—The maximum amount of
21 grants for a project under this section shall not exceed—

22 “(1) in the case of grants for energy efficiency
23 improvement under subsection (b), \$1,000,000; or

24 “(2) in the case of grants for innovation in en-
25 ergy sustainability under subsection (c), \$500,000.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section for each of fiscal years
4 2008 through 2012.”.

Amend the table of contents accordingly.

15

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Castle OF Delaware, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MR. CASTLE OF DELAWARE

In title VII, at the end of subtitle F add the following:

1 **SEC. ____ . REPORT ON STATUS OF REGULATIONS WITH RE-**
2 **SPECT TO WIND ENERGY PROJECTS.**

3 Not later than 30 days after the date of the enact-
4 ment of this Act, the Secretary of the Interior, acting
5 through the Minerals Management Service, shall submit
6 a report to Congress on the status of regulations required
7 to be issued under section 8(p)(8)) of the Outer Conti-
8 nental Shelf Lands Act (43 U.S.C. 1337(p)(8)) with re-
9 spect to the production of wind energy on the Outer Conti-
10 nental Shelf.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Wu OF Oregon, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MR. WU OF OREGON

In subtitle E of title IV, add at the end the following
new section:

1 **SEC. 4417. UNIVERSITY BASED RESEARCH AND DEVELOP-**
2 **MENT GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish
4 a competitive grant program, in a geographically diverse
5 manner, for projects submitted for consideration by insti-
6 tutions of higher education to conduct research and devel-
7 opment of renewable energy technologies. Each grant
8 made shall not exceed \$2,000,000.

9 (b) **ELIGIBILITY.**—Priority shall be given to institu-
10 tions of higher education with—

11 (1) established programs of research in renew-
12 able energy;

13 (2) locations that are low income or outside of
14 an urbanized area;

15 (3) a joint venture with an Indian tribe; and

16 (4) proximity to trees dying of disease or insect
17 infestation as a source of woody biomass.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary
3 \$25,000,000 for carrying out this section.

4 (d) DEFINITIONS.—In this section:

5 (1) INDIAN TRIBE.—The term “Indian tribe”
6 has the meaning as defined in section 126(c) of the
7 Energy Policy Act of 2005.

8 (2) INSTITUTIONS OF HIGHER EDUCATION.—
9 The term “institutions of higher education” has the
10 meaning as defined in section 102(a) of the Higher
11 Education Act of 1965.

12 (3) RENEWABLE ENERGY.—The term “renew-
13 able energy” has the meaning as defined in section
14 902 of the Energy Policy Act of 2005.

15 (4) URBANIZED AREA.—The term “urbanized
16 area” has the mean as defined by the U.S. Bureau
17 of the Census.

Amend the table of contents accordingly.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Giffords OF Arizona, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

37
revised

AMENDMENT TO H.R. 3221
OFFERED BY MS. GIFFORDS OF ARIZONA

In subtitle D of title IV, before section 4301, insert the following:

1 **PART 1—RESEARCH AND ADVANCEMENT**

In section 4302, strike “subtitle” and insert “part”.

At the end of subtitle D of title IV, add the following new part:

2 **PART 2—DEVELOPMENT AND USE OF SOLAR**
3 **ENERGY PRODUCTS**

4 **SEC. 4311. DEFINITIONS.**

5 For purposes of this part:

6 (1) The term “Board” means the Solar Energy
7 Industries Research and Promotion Board estab-
8 lished under section 4312(b)(1).

9 (2) The term “Committee” means the Solar
10 Energy Research and Promotion Operating Com-
11 mittee established under section 4312(b)(4).

12 (3) The term “Department” means the Depart-
13 ment of Energy.

1 (4) The term “importer” means any person
2 who imports solar energy products from outside the
3 United States.

4 (5) The term “order” means a solar energy
5 product research and promotion order issued under
6 section 4312.

7 (6) The term “promotion” means any action to
8 advance the image and desirability of solar energy
9 products with the express intent of improving the
10 competitive position and stimulating sales of solar
11 energy products in the marketplace.

12 (7) The term “Secretary” means the Secretary
13 of Energy.

14 (8) The term “solar energy products” means
15 solar water heating components and systems and
16 photovoltaic components and systems.

17 **SEC. 4312. SOLAR RESEARCH AND INFORMATION PRO-**
18 **GRAM.**

19 (a) ISSUANCE OF ORDERS.—

20 (1) PROPOSED ORDER.—Not later than 30 days
21 after receipt of a proposal for a solar energy product
22 research and promotion order, the Secretary shall
23 publish such proposed order and give due notice and
24 opportunity for public comment on such proposed
25 order. Such proposal may be submitted by any orga-

1 nization meeting the requirements for certification
2 under section 4313 or any interested person, includ-
3 ing the Secretary.

4 (2) FINAL ORDER.—After notice and oppor-
5 tunity for public comment are given, as provided for
6 in paragraph (1), the Secretary shall issue a solar
7 energy product research and promotion order. The
8 order shall become effective not later than 120 days
9 after publication of the proposed order.

10 (b) REQUIRED TERMS IN ORDERS.—An order issued
11 under subsection (a) shall contain the following terms and
12 conditions:

13 (1) The order shall provide for the establish-
14 ment and selection of a Solar Energy Industries Re-
15 search and Promotion Board. In addition to non-
16 permanent members of the Board, there shall be two
17 permanent members of the Board, a representative
18 chosen by the Secretary and a representative chosen
19 by one of the organizations certified under section
20 4313. Nonpermanent members of the Board shall be
21 solar energy products producers and importers ap-
22 pointed by the Secretary from—

23 (A) nominations submitted by eligible or-
24 ganizations certified under section 4313; and

1 (B) nominations submitted by importers
2 under such procedures as the Secretary deter-
3 mines appropriate.

4 The Secretary shall ensure adequate representation
5 of all geographic regions of the United States on the
6 Board.

7 (2) The order shall define the powers and du-
8 ties of the Board, which shall be exercised at an an-
9 nual meeting, and shall include only the following
10 powers:

11 (A) To administer the order in accordance
12 with its terms and provisions.

13 (B) To make rules and regulations to ef-
14 fectuate the terms and provisions of the order.

15 (C) To elect members of the Board to
16 serve on the Committee.

17 (D) To approve or disapprove budgets sub-
18 mitted by the Committee.

19 (E) To receive, investigate, and report to
20 the Secretary complaints of violations of the
21 order.

22 (F) To recommend to the Secretary
23 amendments to the order. In addition, the order
24 shall determine the circumstances under which
25 special meetings of the Board may be held.

1 (3) The order shall provide that the term of ap-
2 pointment for nonpermanent members of the Board
3 shall be 3 years with no nonpermanent member serv-
4 ing more than 2 consecutive terms, except that ini-
5 tial appointments shall be proportionately for 1-year,
6 2-year, and 3-year terms; and that Board members
7 shall serve without compensation, but shall be reim-
8 bursed for their reasonable expenses incurred in per-
9 forming their duties as members of the Board.

10 (4)(A) The order shall provide that the Board
11 shall elect from its membership 10 members to serve
12 on the Solar Energy Research and Promotion Oper-
13 ating Committee.

14 (B) The Committee shall develop plans or
15 projects of research, information, and promotion
16 which shall be paid for with assessments collected by
17 the Board. In developing plans or projects, the Com-
18 mittee shall, to the extent practicable, ensure that
19 all segments of the solar industry receive fair treat-
20 ment under this part based upon contributions made
21 under paragraph (8).

22 (C) The Committee shall be responsible for de-
23 veloping and submitting to the Board, for its ap-
24 proval, budgets on a fiscal year basis of its antici-
25 pated expenses and disbursements, including prob-

1 able costs of research, promotion, and information
2 projects. The Board shall approve or disapprove
3 such budgets and, if approved, shall submit such
4 budget to the Secretary for the Secretary's approval.

5 (D) The total costs of collection of assessments
6 and administrative staff incurred by the Board dur-
7 ing any fiscal year shall not exceed 5 percent of the
8 projected total assessments to be collected by the
9 Board for such fiscal year. The Board shall use, to
10 the extent possible, the resources, staffs, and facili-
11 ties of existing organizations.

12 (5) The order shall provide that terms of ap-
13 pointment to the Committee shall be 1 year, and
14 that no person may serve on the Committee for
15 more than 6 consecutive terms. Committee members
16 shall serve without compensation, but shall be reim-
17 bursed for their reasonable expenses incurred in per-
18 forming their duties as members of the Committee.
19 The Committee may utilize the resources, staffs, and
20 facilities of the Board and industry organizations.
21 An employee of an industry organization may not re-
22 ceive compensation for work performed for the Com-
23 mittee, but shall be reimbursed from assessments
24 collected by the Board for reasonable expenses in-
25 curred in performing such work.

1 (6) The order shall provide that, to ensure co-
2 ordination and efficient use of funds, the Committee
3 shall enter into contracts or agreements for imple-
4 menting and carrying out the activities authorized
5 by this part with established national nonprofit in-
6 dustry-governed organizations to implement pro-
7 grams of research, promotion, and information. In
8 any fiscal year, the total assessments available for
9 spending for this program (including administrative
10 expenses under paragraph (4)(D)) shall not exceed
11 50 percent of the projected total assessments for
12 that year. Any such contract or agreement shall pro-
13 vide that—

14 (A) the person entering the contract or
15 agreement shall develop and submit to the
16 Committee a plan or project together with a
17 budget or budgets that shows estimated costs to
18 be incurred for the plan or project;

19 (B) the plan or project shall become effec-
20 tive on the approval of the Secretary; and

21 (C) the person entering the contract or
22 agreement shall keep accurate records of all of
23 its transactions, account for funds received and
24 expended, and make periodic reports to the
25 Committee of activities conducted, and such

1 other reports as the Secretary, the Board, or
2 the Committee may require.

3 (7) The order shall require the Board and the
4 Committee to—

5 (A) maintain such books and records,
6 which shall be available to the Secretary for in-
7 spection and audit, as the Secretary may pre-
8 scribe;

9 (B) prepare and submit to the Secretary,
10 from time to time, such reports as the Sec-
11 retary may prescribe; and

12 (C) account for the receipt and disburse-
13 ment of all funds entrusted to them.

14 (8)(A) The order shall provide that each manu-
15 facturer of a solar energy product shall collect an as-
16 sessment and pay the assessment to the Board.

17 (B) The order also shall provide that each im-
18 porter of solar energy products shall pay an assess-
19 ment, in the manner prescribed by the order, to the
20 Board.

21 (C) The assessments shall be used for payment
22 of the costs of plans and projects, as provided for in
23 paragraph (4), and expenses in administering the
24 order, including more administrative costs incurred
25 by the Secretary after the order has been promul-

1 gated under this part, and to establish a reasonable
2 reserve. The rate of assessment prescribed by the
3 order shall be determined by the Secretary in con-
4 sultation with the Solar Energy Industry Associa-
5 tion.

6 (9) The order shall provide that the Board,
7 with the approval of the Secretary, may invest,
8 pending disbursement, funds collected through as-
9 sessments only in obligations of the United States or
10 any agency thereof, in any interest-bearing account
11 or certificate of deposit of a bank that is a member
12 of the Federal Reserve System, or in obligations
13 fully guaranteed as to principal and interest by the
14 United States.

15 (10) The order shall prohibit any funds col-
16 lected by the Board under the order from being used
17 in any manner for the purpose of influencing govern-
18 mental action or policy, with the exception of recom-
19 mending amendments to the order.

20 (11)(A) The order shall require that each man-
21 ufacturer or importer making payment to the Board
22 maintain and make available for inspection such
23 books and records as may be required by the order
24 and file reports at the time, in the manner, and hav-
25 ing the content prescribed by the order. Such infor-

1 mation shall be made available to the Secretary as
2 is appropriate to the administration or enforcement
3 of this part. All information so obtained shall be
4 kept confidential by all officers and employees of the
5 Department, and only such information so obtained
6 as the Secretary deems relevant may be disclosed by
7 them and then only in a suit or administrative hear-
8 ing brought at the request of the Secretary, or to
9 which the Secretary or any officer of the United
10 States is a party, and involving the order. Nothing
11 in this paragraph may be deemed to prohibit—

12 (i) the issuance of general statements,
13 based on the reports, of the number of entities
14 subject to the order or statistical data collected
15 therefrom, which statements do not identify the
16 information furnished by an person; or

17 (ii) the publication, by direction of the Sec-
18 retary, of the name of any person violating the
19 order, together with a statement of the par-
20 ticular provisions of the order violated by the
21 person.

22 (B) No information obtained under the author-
23 ity of this part may be made available to any agency
24 or officer of the United States for any purpose other
25 than the implementation of this part and any inves-

1 tigtatory or enforcement act necessary for the imple-
2 mentation of this part. Any person violating the pro-
3 visions of this paragraph shall be subject to a fine
4 of not more than \$1,000, or to imprisonment for not
5 more than one year, or both, and if an officer or em-
6 ployee of the Board or the Department, shall be re-
7 moved from office.

8 (12) The order shall contain terms and condi-
9 tions, not inconsistent with the provisions of this
10 part, as necessary to effectuate the provisions of the
11 order.

12 **SEC. 4313. CERTIFICATION OF ORGANIZATIONS TO NOMI-**
13 **NATE.**

14 (a) ELIGIBILITY.—The eligibility of any national, re-
15 gional, or State organization to represent manufacturers
16 and to participate in the making of nominations under sec-
17 tion 4312(b) shall be certified by the Secretary. The Sec-
18 retary shall certify any organization that the Secretary de-
19 termines meets the eligibility criteria established under
20 subsection (b), and such determination as to eligibility
21 shall be final.

22 (b) CRITERIA.—An organization may be certified as
23 described in subsection (a) if such organization meets all
24 of the following eligibility criteria:

1 (1) The organization represents a majority of
2 manufacturers of solar energy products in the Na-
3 tion.

4 (2) The organization has a history of stability
5 and permanency.

6 (3) A primary purpose of the organization is to
7 promote the economic welfare of the solar energy
8 products industry.

9 (c) BASIS FOR CERTIFICATION.—Certification of an
10 organization shall be based upon a factual report sub-
11 mitted by the organization.

12 **SEC. 4314. REFERENDUM.**

13 (a) INITIAL REFERENDUM.—For the purpose of de-
14 termining whether the initial order shall be continued, not
15 later than 48 months after the issuance of the order (or
16 any earlier date recommended by the Board), the Sec-
17 retary shall conduct a referendum among persons who
18 have been manufacturers or importers of solar energy
19 products during a representative period, as determined by
20 the Secretary. The order shall be continued only if the
21 Secretary determines that it has been approved by not less
22 than a majority of the manufacturers voting in the ref-
23 erendum who, during a representative period as deter-
24 mined by the Secretary, have been engaged in the manu-
25 facturing of solar energy products. If continuation of the

1 order is not approved by a majority voting in the ref-
2 erendum, the Secretary shall terminate the collection of
3 assessments under the order within 6 months after the
4 Secretary determines that continuation of the order is not
5 favored by a majority voting in the referendum, and shall
6 terminate the order in an orderly manner as soon as prac-
7 ticable after such determination.

8 (b) SUBSEQUENT REFERENDA.—After the initial ref-
9 erendum, the Secretary may conduct a referendum on the
10 request of a representative group comprising 25 percent
11 or more of the number of manufacturers of solar energy
12 products to determine whether manufacturers favor the
13 termination or suspension of the order. The Secretary
14 shall suspend or terminate collection of assessments under
15 the order within 6 months after the Secretary determines
16 that suspension or termination of the order is favored by
17 a majority of the manufacturers voting in the referendum
18 who, during a representative period as determined by the
19 Secretary, have been engaged in the manufacture of solar
20 energy products, and shall terminate or suspend the order
21 in an orderly manner as soon as practicable after such
22 determination.

23 (c) PROCEDURES.—The Department shall be reim-
24 bursed from assessments collected by the Board for any
25 expenses incurred by the Department in connection with

1 conducting any referendum under this section, except for
2 the salaries of Government employees. Any referendum
3 conducted under this section shall be conducted on a date
4 established by the Secretary, whereby manufacturers shall
5 certify that they were engaged in the production of solar
6 energy products during the representative period and, on
7 the same day, shall be provided an opportunity to vote
8 in the referendum.

9 **SEC. 4315. REFUNDS.**

10 (a) IN GENERAL.—During the period prior to the ap-
11 proval of the continuation of an order pursuant to the ref-
12 erendum required under section 4314(a), subject to sub-
13 section (f) of this section, the Board shall—

14 (1) establish an escrow account to be used for
15 assessment refunds;

16 (2) place funds in such account in accordance
17 with subsection (b); and

18 (3) refund assessments to persons in accord-
19 ance with this section.

20 (b) AMOUNTS PLACED IN ACCOUNT.—Subject to sub-
21 section (f), the Board shall place in such account, from
22 assessments collected under section 4312 during the pe-
23 riod referred to in subsection (a), an amount equal to the
24 product obtained by multiplying the total amount of as-

1 assessments collected under section 4312 during such period
2 by 15 percent.

3 (c) FULL REFUND ELECTION.—Subject to sub-
4 sections (d), (e), and (f) and notwithstanding any other
5 provision of this part, any manufacturer or importer shall
6 have the right to demand and receive from the Board a
7 one-time refund of all assessments collected under section
8 4312 from such manufacturer or importer during the pe-
9 riod referred to in subsection (a) if such manufacturer or
10 importer—

11 (1) is responsible for paying such assessment;
12 and

13 (2) does not support the program established
14 under this part.

15 (d) PROCEDURE.—Such demand shall be made in ac-
16 cordance with regulations, on a form, and within a time
17 period prescribed by the Board.

18 (e) PROOF.—Such refund shall be made on submis-
19 sion of proof satisfactory to the Board that the manufac-
20 turer or importer—

21 (1) paid the assessment for which refund is
22 sought; and

23 (2) did not collect such assessment from an-
24 other manufacturer or importer.

1 (f) DISTRIBUTION.—If the amount in the escrow ac-
2 count required to be established by subsection (a) is not
3 sufficient to refund the total amount of assessments de-
4 manded by all eligible persons under this section, and the
5 continuation of an order is approved pursuant to the ref-
6 erendum required under section 4314(b), the Board
7 shall—

8 (1) continue to place in such account, from as-
9 sessments collected under section 4312, the amount
10 required under subsection (b), until such time as the
11 Board is able to comply with paragraph (2); and

12 (2) provide to all eligible persons the total
13 amount of assessments demanded by all eligible per-
14 sons under this section.

15 If the continuation of an order is not approved pursuant
16 to the referendum required under section 4314(b), the
17 Board shall prorate the amount of such refunds among
18 all eligible persons who demand such refund.

19 **SEC. 4316. ENFORCEMENT.**

20 (a) IN GENERAL.—If the Secretary believes that the
21 administration and enforcement of this part or an order
22 would be adequately served by such procedure, following
23 an opportunity for an administrative hearing on the
24 record, the Secretary may—

1 (1) issue an order to restrain or prevent a per-
2 son from violating an order; and

3 (2) assess a civil penalty of not more than
4 \$25,000 for violation of such order.

5 (b) JURISDICTION.—The district courts of the United
6 States are vested with jurisdiction specifically to enforce,
7 and to prevent and restrain a person from violating, an
8 order or regulation made or issued under this part.

9 (c) ATTORNEY GENERAL.—A civil action authorized
10 to be brought under this section shall be referred to the
11 Attorney General for appropriate action.

12 **SEC. 4317. INVESTIGATIONS.**

13 The Secretary may make such investigations as the
14 Secretary deems necessary for the effective administration
15 of this part or to determine whether any person subject
16 to this part has engaged or is about to engage in any act
17 that constitutes or will constitute a violation of this part,
18 the order, or any rule or regulation issued under this part.

19 **SEC. 4318. ADMINISTRATIVE PROVISION.**

20 The provisions of this part applicable to the order
21 shall be applicable to amendments to the order.

Amend the table of contents accordingly.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Tauscher OF California, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MRS. TAUSCHER OF CALIFORNIA
AND MR. ROGERS OF MICHIGAN

Page 436, before line 8, insert the following (and conform the table of contents of the bill accordingly):

1 **SEC. ____.** **CAPITAL COST OF CONTRACTING VANPOOL**
2 **PILOT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
4 tation shall establish and implement a pilot program to
5 carry out vanpool demonstration projects in not more than
6 3 urbanized areas and not more than 2 other than urban-
7 ized areas.

8 (b) **PILOT PROGRAM.**—

9 (1) **IN GENERAL.**—Notwithstanding section
10 5323(i) of title 49, United States Code, for each
11 project selected for participation in the pilot pro-
12 gram, the Secretary shall allow the non-Federal
13 share provided by a recipient of assistance for a cap-
14 ital project under chapter 53 of such title to include
15 the amounts described in paragraph (2).

16 (2) **CONDITIONS ON ACQUISITION OF VANS.**—
17 The amount expended by a private provider of public
18 transportation by vanpool for the acquisition of vans

1 to be used by such private provider in the recipient's
2 service area, excluding any amounts the provider
3 may have received in Federal, State, or local govern-
4 ment assistance for such acquisition, if the private
5 provider enters into a legally binding agreement with
6 the recipient that requires the private provider to
7 use all revenues it receives in providing public trans-
8 portation in such service area, in excess of its oper-
9 ating costs, for the purpose of acquiring vans to be
10 used by the private provider in such service area.

11 (c) PROGRAM TERM.—The Secretary may approve an
12 application for a vanpool demonstration project for fiscal
13 years 2008 through 2009.

14 (d) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of enactment of this Act, the Secretary shall
16 transmit to the Committee on Transportation and Infra-
17 structure of the House of Representatives and the Com-
18 mittee on Banking, Housing, and Urban Affairs of the
19 Senate, a report containing an assessment of the costs,
20 benefits, and efficiencies of the vanpool demonstration
21 projects.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Holt OF New Jersey, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MR. HOLT OF NEW JERSEY

In section 8101(c)(1) of the bill—

- (1) strike “and” before “to alleviate”; and
- (2) insert before the period at the end “, and to examine the potential fuel savings from intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hastings OF Florida, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

94

AMENDMENT TO H.R. 3221**OFFERED BY MR. HASTINGS OF FLORIDA**

At the end of subtitle A of title II of the bill, insert
the following:

1 **SEC. 2104. REPORT ON PROGRESS MADE IN PROMOTING**
2 **TRANSPARENCY IN EXTRACTIVE INDUSTRIES**
3 **RESOURCE PAYMENTS.**

4 (a) **PURPOSE.**—The purpose of this section is to—

5 (1) ensure greater United States energy secu-
6 rity by combating corruption in the governments of
7 foreign countries that receive revenues from the sale
8 of their natural resources, and

9 (2) enhance the development of democracy and
10 increase political and economic stability in such re-
11 source-rich foreign countries.

12 (b) **FINDINGS.**—Congress makes the following find-
13 ings:

14 (1) The United States is the world's largest
15 consumer of oil. The United States accounts for 25
16 percent of global daily oil demand—despite having
17 less than 3 percent of the world's proven reserves.

18 (2) 6 of the top 10 suppliers of United States
19 crude oil imports rank in the bottom third of the

1 world's most corrupt countries, according to Trans-
2 parency International.

3 (3) Corrupt and non-transparent foreign gov-
4 ernments have a much higher risk of instability and
5 violent unrest, often leading to disruptions of energy
6 supplies. In addition, the citizens of such countries
7 often remain impoverished despite significant re-
8 source wealth.

9 (4) Oil is a fungible commodity. Therefore sup-
10 ply disruptions due to political instability in other
11 parts of the world affect United States domestic
12 price and supply regardless of the source of supply.

13 (5) Transparency in extractive revenue trans-
14 actions is important to decreasing corruption and in-
15 creasing energy security.

16 (6) The Extractive Industries Transparency
17 Initiative (EITI) serves to improve investment cli-
18 mates through the audited disclosure of revenue pay-
19 ments.

20 (c) STATEMENT OF POLICY.—It is the policy of the
21 United States—

22 (1) to increase energy security by decreasing
23 energy reliance on corrupt foreign governments;

24 (2) to promote global energy security through
25 promotion of programs such as EITI that seek to in-

1 still transparency and accountability into extractive
2 industries resource payments.

3 (d) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the United States should further global energy
5 security and promote democratic development in resource-
6 rich foreign countries by—

7 (1) encouraging further participation in the Ex-
8 tractive Industries Transparency Initiative (EITI)
9 by eligible countries and companies;

10 (2) promoting the efficacy of the EITI program
11 by ensuring a robust and candid review mechanism;

12 (3) establishing a domestic reporting require-
13 ment for all companies that purchase natural re-
14 sources from or make payments to government offi-
15 cials or entities connected with the extraction of
16 such resources so that citizens can monitor expendi-
17 tures by government officials to ensure account-
18 ability for illicit diversion and wasteful use of reve-
19 nues received; and

20 (4) seeking to establish an international report-
21 ing requirement similar to the reporting requirement
22 described in paragraph (3) in order to ensure that
23 all international companies and foreign countries are
24 competing and cooperating on a level playing field.

25 (e) REPORT.—

1 (1) REPORT REQUIRED.—Not later than 180
2 days after the date of the enactment of this Act, and
3 annually thereafter, the Secretary of State shall sub-
4 mit to Congress a report on progress made in pro-
5 moting transparency in extractive industries re-
6 source payments.

7 (2) MATTERS TO BE INCLUDED.—The report
8 required by paragraph (1) shall include a detailed
9 description of United States participation in the Ex-
10 tractive Industries Transparency Initiative (EITI),
11 bilateral and multilateral diplomatic efforts to fur-
12 ther participation in the EITI, and other United
13 States initiatives to strengthen energy security, deter
14 energy kleptocracy, and promote transparency in the
15 extractive industries.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Solis OF California, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3221
OFFERED BY MS. SOLIS OF CALIFORNIA

At the end of subtitle B of title II of the bill, insert
the following:

1 **SEC. 2209. REPORT ON IMPACT OF GLOBAL CLIMATE**
2 **CHANGE ON DEVELOPING COUNTRIES.**

3 (a) **REPORT REQUIRED.**—Not later than 180 days
4 after the date of the enactment of this Act, the Secretary
5 of State, in consultation with the Administrator of the
6 United States Agency for International Development, the
7 Administrator of the Environmental Protection Agency,
8 and the heads of other appropriate Federal departments
9 and agencies, shall submit to the appropriate congres-
10 sional committees a report on the impact of global climate
11 change on developing countries.

12 (b) **MATTERS TO BE INCLUDED.**—The report re-
13 quired by subsection (a) shall include—

14 (1) an assessment of the current and antici-
15 pated needs of developing countries in adapting to
16 the impact of global climate change; and

17 (2) a strategy to address the current and antici-
18 pated needs of developing countries in adapting to
19 the impact of global climate change, including the

1 provision of United States assistance to developing
2 countries, and an identification of existing funding
3 sources and a description of new funding sources
4 that will be required specifically for such purposes.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Cleaver OF Missouri, OR H is
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 3221, AS REPORTED
OFFERED BY MR. CLEAVER OF MISSOURI**

Amend section 303(f)(1) of the Energy Policy Act of 1992, as proposed to be inserted by section 6201 of the bill, to read as follows:

1 “(1) PROHIBITION.—

2 “(A) IN GENERAL.—No Federal agency
3 shall acquire a light duty motor vehicle or me-
4 dium duty passenger vehicle that is not a low
5 greenhouse gas emitting vehicle.

6 “(B) SPECIAL RULE FOR VEHICLES PRO-
7 VIDED BY FUNDS CONTAINED IN MEMBERS’
8 REPRESENTATIONAL ALLOWANCE.—If any por-
9 tion of a Members’ Representational Allowance
10 is used to provide any individual with a vehicle
11 described in paragraph (1), including providing
12 an individual with a vehicle under a long-term
13 lease, the House of Representatives shall be
14 considered to have acquired the vehicle for pur-
15 poses of paragraph (1).

16 “(C) DEFINITIONS.—In this paragraph—

1 “(i) the term ‘Federal agency’ in-
2 cludes any office of the legislative branch;
3 and

4 “(ii) the term ‘Members’ Representa-
5 tional Allowance’ means the allowance de-
6 scribed in section 101(a) of the House of
7 Representatives Administrative Reform
8 Technical Corrections Act (2 U.S.C.
9 57b(a)).”.

23 AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Sarbanes OF Maryland, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

30 revised

AMENDMENT TO H.R. 3221
OFFERED BY MR. SARBANES OF MARYLAND

At the end of title VI, add the following new sub-
title:

1 **Subtitle C—Telework**
2 **Enhancement**

3 **SEC. 6301. SHORT TITLE.**

4 This subtitle may be cited as the “Telework Enhance-
5 ment Act of 2007”.

6 **SEC. 6302. FEDERAL GOVERNMENT TELEWORK REQUIRE-**
7 **MENT.**

8 (a) IN GENERAL.—

9 (1) ELIGIBILITY.—Within 1 year after the date
10 of enactment of this Act, the head of each Executive
11 agency shall establish a policy under which each em-
12 ployee of the agency, except as provided in sub-
13 section (b), shall be eligible to participate in
14 telework.

15 (2) PARTICIPATION POLICY.—The policy shall
16 ensure that eligible employees participate in telework
17 to the maximum extent possible without diminishing
18 employee performance or agency operations.

1 (b) INELIGIBLE EMPLOYEES.—Subsection (a)(1)
2 does not apply to executive agency employees whose duties
3 require the daily handling of national security or intel-
4 ligence materials or daily on-site physical presence for ac-
5 tivity such as necessary contact with special equipment or
6 other activity that cannot be handled remotely or at an
7 alternate worksite.

8 **SEC. 6303. TRAINING AND MONITORING.**

9 The head of each executive agency shall ensure
10 that—

11 (1) telework training is incorporated in the
12 agency's new employee orientation procedures;

13 (2) telework training is provided to managers
14 and all new teleworkers; and

15 (3) periodic employee reviews are conducted for
16 all employees to ascertain whether telework is appro-
17 priate for the employee's job description and the ex-
18 tent to which it is being utilized by the employee.

19 **SEC. 6304. TELEWORK MANAGING EMPLOYEE.**

20 (a) IN GENERAL.—The head of each executive agency
21 shall appoint a full time senior level employee of the agen-
22 cy as the Telework Managing Officer. The Telework Man-
23 aging Office shall be established within the office of the
24 chief administrative officer or a comparable office with
25 similar functions.

1 (b) DUTIES.—The Telework Managing Officer
2 shall—

3 (1) serve as liaison between employees engaged
4 in teleworking and their employing entity;

5 (2) ensure that the organization's telework pol-
6 icy is communicated effectively to employees;

7 (3) encourage all eligible employees to engage
8 in telework to the maximum practicable extent con-
9 sistent with meeting performance requirements and
10 maintaining operations;

11 (4) assist the head of the agency in the develop-
12 ment and maintenance of agencywide telework poli-
13 cies;

14 (5) provide assistance and advice in labor-man-
15 agement interactions regarding telework;

16 (6) educate administrative units on telework
17 policies, programs, and training courses;

18 (7) provide written notification to each em-
19 ployee of specific telework programs and the employ-
20 ee's eligibility for those programs;

21 (8) focus on expanding and monitoring agency
22 telework programs;

23 (9) recommend and oversee telework-specific
24 pilot programs for employees and managers, includ-
25 ing tracking performance and monitoring activities;

1 (10) develop and administer a telework per-
2 formance reporting system;

3 (11) promote and monitor agency and other re-
4 sources necessary for effective teleworking;

5 (12) develop telework promotion and incentive
6 programs; and

7 (13) assist the head of the agency in desig-
8 nating employees to telework to continue agency op-
9 erations in the event of a major disaster (as defined
10 in section 102 of the Robert T. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C.
12 5122)).

13 (c) **REPORT.**—The Telework Managing Officer shall
14 submit a report to the head of the employing agency and
15 the Comptroller General at least once every 12 months
16 that includes a statement of the applicable telework policy,
17 a description of measures in place to carry out the policy,
18 and an analysis of the participation by employees of the
19 entity in teleworking during the preceding 12-month pe-
20 riod.

21 **SEC. 6305. ANNUAL TELEWORK AGENCY RATING.**

22 (a) **IN GENERAL.**—The Comptroller General shall es-
23 tablish a system for evaluating—

24 (1) the telework policy of each executive agency;
25 and

1 (2) on an annual basis the participation in tele-
2 working by their employees.

3 (b) REPORT.—The Comptroller General shall publish
4 a report each year rating—

5 (1) the telework policy of each entity to which
6 this subtitle applies;

7 (2) the degree of participation by employees of
8 each such entity in teleworking during the 12-month
9 period covered by the report;

10 (3) for each executive agency—

11 (A) the number of employees in the agen-
12 cy;

13 (B) the number of those employees who
14 are eligible to telework;

15 (C) the number of employees who engage
16 on a regular basis in teleworking; and

17 (D) the number of employees who engage
18 on an occasional or sporadic basis (at least one
19 day per month) in teleworking; and

20 (4) for each executive agency, an assessment of
21 agency compliance with this subtitle.

22 **SEC. 6306 DEFINITIONS.**

23 In this subtitle:

1 (1) EMPLOYEE.—The term “employee” has the
2 meaning given that term by section 8101(1) of title
3 5, United States Code.

4 (2) EXECUTIVE AGENCY.—The term “Executive
5 agency” has the meaning given that term by section
6 105 of title 5, United States Code.

7 (3) TELEWORK.—The term “telework” means a
8 work arrangement in which an employee regularly
9 performs officially assigned duties at home or other
10 worksites geographically convenient to the residence
11 of the employee that—

12 (A) reduces or eliminates the employee’s
13 commute between his or her residence and his
14 or her place of employment; and

15 (B) occurs at least 2 business days per
16 week in at least 48 weeks in a year.

110th Congress

1st Session

H. RES. ____

Providing for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and for consideration of the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

IN THE HOUSE OF REPRESENTATIVES

August 3, 2007

Mr. Welch, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed.

RESOLUTION

Providing for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and for consideration of the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours, with 15 minutes equally divided and controlled by the chairman and ranking minority member of each of the Committees on Energy and Commerce, Natural Resources, Science and Technology, Transportation and Infrastructure, Education and Labor, Foreign Affairs, Small Business, and Oversight and Government Reform. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further

amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2776) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

Sec. 3. (a) In the engrossment of H.R. 3221, the Clerk shall--

- (1) add the text of H.R. 2776, as passed by the House, as new matter at the end of H.R. 3221;
 - (2) conform the title of H.R. 3221 to reflect the addition of the text of H.R. 2776 to the engrossment;
 - (3) assign appropriate designations to provisions within the engrossment; and
 - (4) conform cross-references and provisions for short titles within the engrossment.
- (b) Upon the addition of the text of H.R. 2776 to the engrossment of H.R. 3221, H.R. 2776 shall be laid on the table.

Sec. 4. During consideration in the House of H.R. 3221 or H.R. 2776 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.